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THE BENGAL LEGISLATIVE ASSEMBLY PROCEEDINGS

(Official Report of the Fourth Session.)

Volume LIII—No. 4.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Tuesday, the 23rd August, 1938, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, ten Hon'ble Ministers and 222 members.

STARRED QUESTIONS

(to which oral answers were given)

Committee to enquire into the wages and conditions of workers.

*139. **Dr. SURESH CHANDRA BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether he is aware—

(*i*) that Committees to enquire into the wages and conditions of workers have already been formed by the Provincial Governments of Bombay, the United Provinces and Bihar;

(*ii*) that the Bombay Enquiry Committee has already submitted its report;

(*iii*) that the recommendations included in this report have been accepted by the Government and generally carried out by the employers in the Bombay Presidency; and

(*iv*) that the Bombay Report has, on the whole, been accepted by the Bombay Provincial Trade Union Congress?

(*b*) Is the Hon'ble Minister aware of a feeling of discontent prevalent among the jute workers of Bengal as revealed by the last big jute strike and frequent subsequent strikes among the jute workers?

(*c*) Does the Hon'ble Minister propose to form a Committee on lines similar to Bombay, United Provinces and Bihar Committees to enquire into the wages and conditions of workers engaged in the jute industry of Bengal? If not, why not?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawady): (*a*) I have no official information.

(*b*) I am unable to agree with the honourable member that the last big jute strike or subsequent strikes were due to any widely prevalent feeling of discontent, which is still subsisting.

(*c*) None. The appointment of such a Committee at present would serve no useful purpose.

Mr. J. N. GUPTA: Will the Hon'ble Minister be pleased to state if he is in touch with the jute workers of Bengal?

Mr. SPEAKER: That question does not arise.

Mr. J. N. GUPTA: Will the Hon'ble Minister be pleased to state if he is aware that a number of resolutions were adopted in a meeting of all the labour unions in Bengal whether registered or unregistered that the workers were badly suffering from inadequate wages?

The Hon'ble Mr. H. S. SUHRAWARDY: There may have been such resolutions.

Mr. J. N. GUPTA: Will the Hon'ble Minister be pleased to state if it is a fact that before the inauguration of the present Government he used to address labour meetings and assure the workers that he would redress their grievances in the matter of their wages?

Mr. SPEAKER: That question does not arise.

Dr. SURESH CHANDRA BANERJEE: চট্ কলের মজুরদের ভিতর ব্যাপক অসন্তোষ না থাক্‌লে আড়াই লক্ষ লোক আড়াই মাস অবধি হরতাল কোরে কেন বোসে থাকবে মাননীয় মন্ত্রী মহাশয় অনুগ্রহ কোরে বোলবেন কি ?

The Hon'ble Mr. H. S. SUHRAWARDY: The honourable member is perhaps aware that discontent is sometimes spontaneous and sometimes it is engineered.

Mr. NIHARENDU DUTTA MAJUMDAR: Is the Hon'ble Minister aware that Government had promised to enquire into the grievances of the jute workers as a condition of the settlement of the last jute mill strike? May I know what enquiries have been made so far?

The Hon'ble Mr. H. S. SUHRAWARDY: There were no conditions of settlement of the last jute mill strike.

Mr. NIHARENDU DUTTA MAZUMDAR: My question was: Is the Government aware that assurances were given of a satisfactory investigation into the conditions of the jute mill workers? May I know what investigations have been made?

Mr. SPEAKER: Only the first part of the question need be answered.

The Hon'ble Mr. H. S. SUHRAWARDY: I do not remember if any assurance was given that enquiries would be made into the conditions of the jute workers, but I may inform the honourable member that since the strike I have made enquiries and I am pursuing with the mill-owners various measures for the amelioration of the condition of the labourers.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble the Labour Minister kindly refresh his memory by a reference to the Hon'ble the Chief Minister who had himself given an assurance that the condition of the jute workers would be looked into and satisfactorily investigated?

Mr. SPEAKER: That question does not arise.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state precisely how he has been conducting the investigation which he says he has been doing?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not prepared to divulge any information just now.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether in the course of his investigation he has made any enquiry from labour unions, representatives of labour and labour members of this House?

The Hon'ble Mr. H. S. SUHRAWARDY: I made enquiries from those quarters where I thought useful information would be available.

Dr. SURESH CHANDRA BANERJEE: গত ১৬ মাসের মধ্যে চট কলের কোন কোন ধর্মঘট engineered হয়েছে মাননীয় মন্ত্রী মহাশয় categorically বোলবেন কি?

Mr. SPEAKER: That question does not arise out of the main question.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state what are the quarters from which he is making enquiries with regard to the condition of labourers?

The Hon'ble Mr. H. S. SUHRAWARDY: From the labourers themselves. I have sufficient experience of the labour conditions of this country and I know where to go. If honourable members were so anxious about the welfare of the labourers, they might have sent to Government their own reading of the situation and might have asked Government to take steps in regard to certain matters. Honourable members who are showing so much interest in the conditions of the labourers in this House to-day did not even condescend to inform Government as to their proposals for ameliorating their conditions, except that sometimes during this strike a large number of impracticable suggestions were made.

Mr. NIHARENDU DUTTA MAZUMDAR: I am thankful for the suggestion made by the Hon'ble Minister, but will he kindly state on what dates he made enquiries either with regard to the Alliance Jute Mill at Bhatpara or with regard to the mills at Hajinagar and Gouripur?

Mr. SPEAKER: That question does not arise.

Dr. SURESH CHANDRA BANERJEE: মাননীয় মন্ত্রী মহাশয় জানেন কি ভারতের অনেক প্রান্তে গত ১৬ মাসের মধ্যে Enquiry Committee হয়েছে এবং তার ফলে মজুরদের অনেক সুবিধা হয়েছে ?

The Hon'ble Mr. H. S. SUHRAWARDY: I have no official information, Sir.

Dr. SURESH CHANDRA BANERJEE: মন্ত্রী মহাশয় বলেছেন, "এ ধরণের কমিটি দ্বারা কোন সুফল হবে না,"—কেন সুফল হবে না সেই বিষয়ে সদুত্তর মন্ত্রী মহাশয় দেবেন কি ?

Mr. SPEAKER: That question does not arise.

Bengal Welfare League.

***140. Dr. SURESH CHANDRA BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether he is aware that of late there has grown up in Bengal an organisation called the Bengal Labour Welfare League?

(*b*) Whether any money has been granted to this League out of the Labour Welfare Fund?

(c) If the answer to (b) is in the affirmative, what is the amount granted?

(d) If the answer to (b) is in the negative, are the Government contemplating the granting in near future of any money to this League out of the Labour Welfare Fund?

(e) Is the Hon'ble Minister aware that a resolution viewing with apprehension the activities of persons in the Labour movement towards securing from the Ministry of Labour a grant from the Labour Welfare Fund, has been passed by the Working Committee of the Bengal Provincial Trade Union Congress in its meeting of the 9th June last?

(f) If the answer to (d) is in the affirmative, does the Hon'ble Minister propose to appoint an enquiry committee consisting of himself and all the Labour representatives of this House to enquire whether the Bengal Labour Welfare League is controlled and guided by reactionaries and communalists and desist from granting any money out of the Labour Welfare Fund to the Bengal Welfare League until the report of the committee so formed be published and considered by the Government and this House?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) There is such an organisation as the Bengal Labour Welfare League.

(b) to (d) Rs. 2,250 last year; and Rs. 1,250 per month for six months.

(e) Yes.

(f) No. The apprehensions of the honourable member are baseless

Dr. SURESH CHANDRA BANERJEE: With reference to answers (b) to (d) মাননীয় মন্ত্রী মহাশয় অনুগ্রহ করে বোলবেন কি এই টাকাটা কোন্ কোন্ দফায় খরচ হয়েছে?

The Hon'ble Mr. H. S. SUHRAWARDY: The Labour Welfare League knows it more than I do.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state when this Labour Welfare League was constituted, what are the conditions of its membership and who are the office-bearers at present?

The Hon'ble Mr. H. S. SUHRAWARDY: I cannot be positive with regard to the details of the organisation of this League, but I believe that it was constituted sometime in the beginning of this year or at the end of the last year. I am not aware about its constitution. With regard to its office-bearers, I only know the name of its president and the secretary.

Dr. SURESH CHANDRA BANERJEE : এই টাকাটা অর্থাৎ Labour Welfare Fund এর এই টাকাটা কিভাবে এবং কি কি উদ্দেশ্যে খরচ হইয়াছে মাননীয় মন্ত্রী মহাশয় অনুগ্রহ করে বোলবেন কি ?

The Hon'ble Mr. H. S. SUHRAWARDY: The department is keeping in touch with the League and ascertaining how the money is being spent. We propose to give it a trial for six months just to see whether the money has been satisfactorily spent or not and whether we can continue to pay this grant. After six months we shall be in a better position to inform honourable members about its functions.

BABU NARENDRA NARAYAN CHAKRABARTY : মাননীয় মন্ত্রী মহাশয় অনুগ্রহ কোরে জানাবেন কি Bengal Labour Welfare Leagueএর ভার প্রাপ্ত কোন কর্ম্মচারী গত মুর্শিদাবাদ Unity Conference এর সময় উক্ত বৈঠকের বিরুদ্ধাচরণের কার্য্যে নিযুক্ত হয়েছিলেন কি না ?

Mr. SPEAKER: That question does not arise. You are supplying entirely new matter.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state as to whether there were any specified purposes for spending this money granted to the Welfare League?

The Hon'ble Mr. H. S. SUHRAWARDY: When the application was made some purposes were specified.

Mr. NIHARENDU DUTTA MAZUMDAR: What were these purposes which were specified for this grant to the Welfare League?

The Hon'ble Mr. H. S. SUHRAWARDY: It is not possile for me to carry everything in my mind, but there were certain objects which are recognised by the people to be for the welfare of the labourers such as teaching schools, adult schools, primary schools, hygiene, cleanliness of bustees, nursing institutions and so on; and I think also dispensaries.

Mr. SANTOSH KUMAR BASU: Will the Hon'ble Minister be pleased to state whether this Welfare League is a society registered under the Societies Registration Act?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, it is

Dr. SURESH CHANDRA BANERJEE : (*f*) item এ বর্ণিত আমার আশঙ্কাসমূহ যে অমূলক তা মাননীয় মন্ত্রী মহাশয়ের কি করে ধারণা হলো ?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, may I submit one thing? I have got a large number of questions to answer to-day and most of them stand in the name of Dr. Banerjee. Dr. Banerjee speaks English very well. Whenever he comes to see me he always talks in English, so I hope he will put supplementary questions in English if he is really serious. Of course if he wishes to put difficulties in my way, he may do as he is doing.

Mr. JOGESH CHANDRA GUPTA: If Bengalees ask questions in their mother tongue how can the Hon'ble Minister contend that they are not at all serious?

Mr. SPEAKER: That question does not arise.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the Bengal Labour Welfare League was started by the Hon'ble Minister himself and its membership consists mostly of his election agents and his satellites?

The Hon'ble Mr. H. S. SUHRAWARDY: It was not started at my instance. It might have been inspired by my speeches which I made and a certain number of labour leaders who were really serious about the welfare work and who actually took up welfare work amongst the labourers formed this League. It is also not run by my election agents, and I hardly think any of my election agents is a member of this League. May I say that the insinuation is not worthy of the honourable member?

Mr. A. M. A. ZAMAN: মাননীয় মন্ত্রী মহাশয়, এই Labour Welfare এর জন্য যে একটা Fund করা হয়েছে এই টাকাটা শুধু ঐ শ্রমিকদের উপকারের একটা নাম কোরে রাখা হয়েছে মাত্র, অথচ ঐ টাকা দিয়ে শুধু Labour মহল্লায় communalism এর প্রচার করা হচ্ছে—এই কথাটা কি সত্য?

Mr. SPEAKER: That question does not arise.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, the Hon'ble Minister in making his answer instead of answering a straight question tried to make an observation which was wholly unwarranted. I enquired to know whether this organisation consisted of his election agents and it was for the Hon'ble Minister either to deny it or tell the House that it is so. It was absolutely unnecessary for him to make an evasive observation.

The Hon'ble Mr. H. S. SUHRAWARDY: May I give an answer——.

Mr. SPEAKER: It is not necessary.

Functions of Labour Commissioner, Bengal.

***141. Dr. SURESH CHANDRA BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state what is the function of the Labour Commissioner of Bengal?

(*b*) Whether he has any power to decide disputes of a minor character?

(*c*) If so—

(*i*) how many such disputes were referred to him during the year 1937-38; and

(*ii*) how many of these he was able to decide?

(*d*) Whether he has the power of hearing appeals from dismissed workmen?

(*e*) If so, how many such appeals were made to him during the year 1937-38 and with what effect?

(*f*) Has he any right to give any reinstatement order?

(*g*) If so, in how many cases of appeal, such orders were given?

(*h*) Were these orders binding on the employers?

(*i*) If not, what is the relationship between the Labour Commissioner and the employers under such cases?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) The functions of the Labour Commissioner are—mediation in trade disputes, attending to after effects of strikes, carrying out general industrial welfare works, submitting report on activities of trade unions and strikes, collection of labour statistics, enquiry into the condition of labour and evolving means for betterment.

(*b*) The Labour Commissioner has no statutory authority to decide disputes unless he is specially appointed to decide a dispute under the Trade Disputes Act. The Labour Commissioner can however mediate in trade disputes and try to bring about a settlement.

(*c*), (*e*), (*g*) and (*h*) Do not arise.

(*d*) The Labour Commissioner has no statutory authority to hear appeals against dismissals, but on receipt of a petition from a dismissed workman he can make enquiries, and if he is satisfied that the dismissal

was made without adequate reasons, he may try to induce the employers to reconsider the case.

(*f*) No.

(*i*) In cases of dismissal of workmen without adequate grounds, the Labour Commissioner functions as a mediator.

Dr. SURESH CHANDRA BANERJEE : মাননীয় মন্ত্রী মহাশয় বোলবেন কি এই ধরণের trade dispute এ mediate কোরতে কয়বার তিনি চেষ্টা কোরেছেন ?

The Hon'ble Mr. H. S. SUHRAWARDY : He was officially appointed under the Trade Disputes Act on one occasion.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state if it is a fact that in the Labour Department there is a considerable confusion regarding the functions of the Labour Commissioner?

The Hon'ble Mr. H. S. SUHRAWARDY: There ought not to be any.

Dr. SURESH CHANDRA BANERJEE : যে সব occasion এ তিনি mediate কোরেছেন সেই সব occasion এর মাননীয় মন্ত্রীমহাশয় উল্লেখ কোরে বোলবেন কি ?

The Hon'ble Mr. H. S. SUHRAWARDY: I think it was with reference to a dispute in the Raniganj Pottery Works.

Formation of a wage Fixation Board.

***142. Dr. SURESH CHANDRA BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether he is aware that a Wage Fixation Board to revise the wage of labourers from time to time has of late been formed at Cawnpore consisting of a representative of employers, one representative of the workers and another person as Chairman to be appointed with mutual agreement?

(*b*) If the answer to (*a*) is in the affirmative—

(*i*) does the Hon'ble Minister contemplate formation of a similar Board in Bengal in near future; and

(*ii*) if so, what is the approximate time within which such a Board is going to be formed?

(*c*) If the answer to (*b*) (*i*) is in the negative, what are the reasons?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) I have no information.

(*b*) and (*c*) Do not arise. I have, however, requested the Board of Economic Enquiry to enquire into the family budgets of textile workers. I also propose enquiring into the conditions of service prevailing in each industry and taking steps to improve conditions where necessary.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state what methods does he intend adopting for the purpose of conducting enquiries into the conditions of service and on what lines these enquiries will be made?

The Hon'ble Mr. H. S. SUHRAWARDY: I shall make enquiries through proper officers.

Mr. NIHARENDU DUTTA MAZUMDAR: My question was what methods does the Hon'ble Minister propose to adopt?

The Hon'ble Mr. H. S. SUHRAWARDY: By asking questions.

Dr. SURESH CHANDRA BANERJEE: Board of Ecnomic Enquiry কাজ আরম্ভ করেছেন কি না, করে থাকলে কতদিন পূর্ব্বে আরম্ভ করেছেন এবং কখনই বা এর কাজ শেষ হবে বোলে আশা করা যায় ?

The Hon'ble Mr. H. S. SUHRAWARDY: The Board of Economic Enquiry has been functioning for several years, it is not a new Board and I hope it will sit and make enquiries and carry on till it finishes its duties.

Dr. SURESH CHANDRA BANERJEE: মাননীয় মন্ত্রী মহাশয় কি বোলতে চান এই Board of Economic Enquiry textile workersদের সম্বন্ধে বহু বৎসর enquiry কোরছেন ? আমার প্রশ্ন এই যে, কোন কাজ আরম্ভ হইয়াছে কি না ?

The Hon'ble Mr. H. S. SUHRAWARDY: You will find in the printed answer that I have requested the Board of Economic Enquiry to enquire into the matter and I take it that they are bound to take up the matter.

Realisation of decretal money under the Payment of Wages Act.

***143. Dr. SURESH CHANDRA BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state what effective steps are being taken for expeditious

enforcement of the decrees of the Commissioner, Workmen's Compensation?

(b) Is the Hon'ble Minister aware—

(i) that as soon as a decree is passed, the Commissioner sends a written notice to the defendant opposite party to pay the amount of decree on a certain date at his Court, and if the defendant party fails to do so, the Commissioner issues a distress warrant through the Chief Presidency Magistrate which is then served through the local thana and that the service of warrant is detained for a long period at the thana; and

(ii) that in case No. 1 of 1938 (under the Payment of Wages Act) 15 compositors of Messrs. Karim Bux Brothers were complainants and that the case was filed on the 4th January, 1938, decreed on the 20th April, 1938, and the decretal money realised on the 14th June, 1938, after a lapse of six months since the institution of the case?

(c) If the answer to (b) (ii) is in the affirmative, will the Hon'ble Minister be pleased to state—

(i) whether any effective steps for the prevention of such delay in future has been taken; and

(ii) if so, what were the steps taken?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) Decrees of the Commissioner under the Workmen's Compensation Act are enforced by certificate procedure as laid down in section 31 of the Workmen's Compensation Act, 1923.

(b) (i) Decretal amounts, if not deposited within the time allowed by the Commissioner under Workmen's Compensation Act, are recovered by certificate procedure and not by issue of distress warrants.

(ii) No. The facts of the case were as follows:—

Application No. 1 of 1938 under the Payment of Wages Act was filed on the 5th January, 1938. It came up for hearing first on the 3rd February, 1938, when the opposite party deposited Rs. 300, i.e., 25 per cent. of the amount claimed and took time to pay the balance. This amount was rateably paid to the applicants on the 4th February, 1938, at their request. So far as the Court of Authority under the Payment of Wages Act was concerned, the case was finally disposed of on the 8th March, 1938, by issue of a direction on the opposite party for payment of Rs. 1,222-3-3 including the amount of Rs. 300 previously paid. A further sum of Rs. 300 deposited by the opposite party on the 18th March, 1938, was also rateably paid to the applicants on the same date. Steps for realisation of the balance due, viz.

Rs. 622-3-3, were taken under section 15 (5) (b) of the Payment of Wages Act on the 24th March, 1938. Rs. 530 was realised on the 3rd June, 1938, while the remaining small sum of Rs. 92-3-3 was received in the Court on the 29th June, 1938, and paid to the applicants on the 21st July, 1938.

(c) In view of the reply to (b) (ii), this question does not arise.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state if he is aware of the fact that certificate procedure allows the issue of distress warrants?

Mr. SPEAKER: That does not arise as it is a question of pure law.

Agreement of Jute Mills' Association regarding working hours of Jute Mills.

***144. Mr. NIHARENDU DUTTA MAZUMDAR:** (a) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether the attention of Government has been drawn to the recent controversy between the Indian Jute Mills' Association and the small mills over negotiations for an agreement seeking to restrict the working hours of jute mills?

(b) Are the Government keeping themselves informed of the precise terms of the contemplated agreement of the jute mill owners and considering the probable effects of this agreement on the workers and the *raiyats*?

(c) Are the Government considering the urgency of taking suitable steps to safeguard the interest of—

(i) the jute workers against unemployment; and

(ii) the *raiyats* against a further fall in price for raw jute?

(d) Are the Government considering the importance of the jute industry and of raw jute as the principal money crop in the economic life of Bengal and the desirability of bringing the jute industry under State control with a view to enabling themselves to guarantee—

(i) security of employment, and better conditions of life to the jute workers;

(ii) a fixed minimum economic price of jute to the *raiyats*; and

(iii) the elimination of competition among the producers?

(e) What view of the whole matter do Government take and what measures, if any, are in the contemplation of Government to adopt?

The Hon'ble Mr. H. S. SUHRAWARDY: I am aware of the negotiations, and the developments in the course of the negotiations. The matter is receiving my consideration. I regret I cannot give any indication of the action I propose to take as it will not be in the public interest to do so.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state by what time the consideration that he has given assurance of will materialise?

The Hon'ble Mr. H. S. SUHRAWARDY: Even that I am not prepared to state.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is aware that some of his colleagues in the Ministry have been giving hopes of Government interference in fixing the working hours if private negotiations fail?

The Hon'ble Mr. H. S. SUHRAWARDY: That matter cannot be under my special cognizance.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister kindly give an answer to my question (d), if possible?

The Hon'ble Mr. H. S. SUHRAWARDY: Some of the matters with which he has dealt do not come within the purview of my department, but even if they did, I am not prepared to add to the answer which I have given.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if Government have received representations from several Chambers of Commerce in this connection requesting early and immediate action to save the parlous condition of the jute industry of this province?

The Hon'ble Mr. H. S. SUHRAWARDY: So far as I remember, Sir, I have received one representation only, and that is from the Bengal National Chamber of Commerce.

Mr. NIHARENDU DUTTA MAZUMDAR: Has the attention of the Hon'ble Minister been drawn to the statement issued by Mr. Jhajhania of the Gourisankar Jute Mill with regard to the question of restriction of hours?

Mr. SPEAKER: That question does not arise. There is no mention here of Mr. Jhajharia either in the question or in the answer.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if Government is considering the desirability of nationalising the jute industry, while examining the question of the settlement as regards the working hours?

The Hon'ble Mr. H. S. SUHRAWARDY: I submit, Sir, that this question—this broad question of nationalisation—does not arise.

Dr. NALINAKSHA SANYAL: I submit, Sir, that all aspects of the question have got to be considered. My question is whether he is considering this aspect of the matter and he may say "yes" or "no" in answer.

Employment of discharged workers.

***145. Mr. NIHARENDU DUTTA MAZUMDAR:** (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state what steps he has taken to implement his assurance given in this House on the 8th April, 1938, to the effect that "Government will assist workers discharged through rationalisation in finding employment as early as possible"?

(*b*) Precisely, what arrangements, if any, have Government suggested to the jute mills to implement his further assurance given on the same date with a view to ensure "the least amount of dislocation in the employment of the existing staff" in connection with rationalisation through the installation of new automatic machines in jute mills?

(*c*) What steps, if any, has he taken to ascertain the figures as to the number of workers discharged through rationalisation so far?

(*d*) Will the Hon'ble Minister be pleased to lay these figures on the table showing them mill by mill?

(*e*) Is he aware that a long-drawn-out strike took place in the Hajinagar Jute Mill towards the end of 1937 on the question of the installation of new automatic machinery?

(*f*) What is the number of workers discharged since that strike?

(*g*) Have Government Labour Department received any communications on behalf of the Hajinagar strikers?

(*h*) What steps, if any, did he take either to help to settle the strike or to assist the discharged workers to find employment?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) and (*b*) I have requested the Indian Jute Mills' Association to proceed as slowly as

possible with rationalisation, where it cannot be avoided, so as to cause the least amount of dislocation in the employment of the existing staff; and to re-employ at the first available opportunity workers discharged through rationalisation in leave vacancies or vacancies caused by attrition?

(c) None. I have not received any complaints of any considerable dislocation of work, nor have I been approached to provide facilities for re-employment. I take it that the mills are re-employing workers at the first available opportunity.

(d) Does not arise.

(e) Perhaps the honourable member is referring to the Naihati Jute Mill. There was a strike there.

(f) I have no definite information.

(g) The Bengal Chatkal Mazdoor Union wrote to the Labour Commissioner after the cessation of the strike requesting him to receive a deputation from the discharged workers of the mill. The Labour Commissioner wrote to the Secretary to see him, but the Secretary failed to do so.

(h) I took no steps to settle the strike. As regards the latter portion of the question, see answer to (a) and (b) above.

Payment to the staff by Messrs. Karim Bux Brothers under Wages Act.

***146. Dr. SURESH CHANDRA BANERJEE:** (a) Is the Hon'ble Minister in charge of the Commerce and Labour Department aware—

(i) that in course of the year 1937-38, more than 30 cases under the Payment of Wages Act were filed and decreed against the printing firm of Karim Bux Brothers;

(ii) that the company is still a defaulter;

(iii) that payment for April and May, 1938, has not as yet been made; and

(iv) that no payment towards the whole or part has been made for January to March, 1937?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state whether for infringement of provisions of the Payment of Wages Act action under the penalty clause of that Act has been taken against the firm by the Factory Department?

(c) If action has been taken against the firm, what is the result?

(d) If no action has been taken against the firm, what are the reasons thereof?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) (i) During the period from the 28th March, 1937, to the 3rd August, 1938, 27 applications were filed in the Court of the Authority under the Payment of

Wages Act, against Messrs. Karim Bux Brothers for payment of wages. All the applications have been disposed of by the issue of directions for payment under section 15 (3) of the Payment of Wages Act (IV of 1936).

(ii) Yes.

(iii) Payment for April and May, 1938, has been made.

(iv) About 75 per cent. of the total wages due to workers for January, February and March, 1937, has been paid.

(b) No legal action under the penalty clause of the Act has so far been taken against the firm for infringement of the provisions of the Payment of Wages Act; but the workmen alleging non-payment or delay in payment of wages have been referred by the Factories Department to the Authority under the Payment of Wages Act.

(c) Does not arise.

(d) As a rigorous enforcement of the law was certain to throw a large number of men out of employment and might even break the firm, a certain degree of caution and patience had to be exercised. A number of employees with a representative of the firm saw the Authority under the Payment of Wages Act and the men requested that they might be allowed to receive their arrear wages in instalments. According to this arrangement the company is gradually paying the dues which would not have been possible by prosecuting them under the Act.

Dr. SURESH CHANDRA BANERJEE: With reference to answer (a) iii ১৯৩৮ এর এপ্রিল এবং মের মাহিনা কবে দেওয়া হইয়াছে মাননীয় মন্ত্রী মহাশয় দয়া করে বোলবেন কি? আমি যতদূর জানি ঐ দুই মাসের মাহিনা এখনো দেওয়া হয় নাই।

Mr. SPEAKER: The second part of your question does not arise.

The Hon'ble Mr. H. S. SUHRAWARDY: The amount has been paid. If it is paid through Government I might be able to reply if I had sufficient notice, but I doubt very much whether it has been paid through Government. I am, however, fairly certain, in spite of the assertion of the honourable member, that the money has been paid.

Licence of Bengal Telephone Corporation, Limited.

***147. Mr. DEBI PROSAD KHAITAN:** With reference to the reply to a supplementary question to starred question No. 432, dated the 8th April, 1938, will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to lay on the table a copy of

the licence granted by the Government of India to the Bengal Telephone Corporation, Limited?

The Hon'ble Mr. H. S. SUHRAWARDY: I have asked for a copy of the agreement but have not received it as yet.

Mr. DEBI PROSAD KHAITAN: Will the Hon'ble Minister please let us know when he asked for a copy and when he expects to get it?

The Hon'ble Mr. H. S. SUHRAWARDY: My reply to the first part of the question is—about the 11th of April 1938. A reminder has also been sent to the Government of India.

With regard to the latter part of the question, as to when I expect to get it, that must remain with the gods for the time being.

Mr. DEBI PROSAD KHAITAN: In view of the fact that the Assembly may not meet for some time, will the Hon'ble Minister please state if he is going to publish a copy of the Agreement as soon as he receives it?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not think that it would be right on my part to publish a copy of the Agreement, but I am quite prepared to forward a copy of the Agreement to the honourable member, if and when the Government of Bengal receive it. Perhaps this delay is due to the fact that the Government of India have taken the view that the Government of Bengal are too obliging to the members of the Legislature!

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if an attempt has been made to obtain a copy from the Bengal Telephone Corporation Limited itself, which operates within the province of Bengal?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir, we correspond with the Government of India.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if Government consider it desirable to write to the Bengal Telephone Corporation Limited in view of the delay in obtaining a copy from the Government of India?

The Hon'ble Mr. H. S. SUHRAWARDY: I have not given any consideration to this, but, speaking off-hand, I think it would be extremely undesirable to do so. If the Telephone Corporation is available the honourable member might have a try himself!

Waiting rooms and latrines for females in the Kasba Sub-Registry Office in the district of Tippera.

*148. **Mr. MAQBUL HOSAIN:** (*a*) Is the Hon'ble Minister in charge of the Education (Registration) Department aware that female executants of documents of Kasba Sub-Registry Office in the district of Tippera have to suffer for want of waiting room and latrine?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of taking steps in this matter?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) There is no waiting room and latrine for females at the Sub-Registry Office at Kasba and it is possible that some female registrants suffer inconvenience for this reason.

(*b*) The question of providing a waiting room and latrine for female executants is under consideration.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister in charge of the department be pleased to state whether such accommodation will be provided in every registration office where there is no accommodation at present?

The Hon'ble Mr. A. K. FAZLUL HUQ: An effort will be made to provide such accommodation. It is a very large order and we do not know how far we will be able to meet the requirements of the public everywhere; but, as I have said, an effort will be made.

Stay of realisation of education cess in Pabna and Bogra districts.

*149. **Khan Bahadur MOHAMMED ALI:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) that there have been excessive rains and floods in the districts of Pabna and Bogra;

(*ii*) that an acute distress prevails in those areas; and

(*iii*) that the tenants in those districts have been hard hit to pay the education cess imposed on them?

(*b*) Is the Hon'ble Minister also aware that the people of that area have moved the District Magistrate and the Commissioner of the Division for a stay of this cess till the distress subsides?

The Hon'ble Mr. A. K. FAZLUL HUQ: (a) Yes.

(b) I am aware that applications have been made and I may add that I have decided that realisation of cess should be stayed for the present in these districts.

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister please state if instructions have already been issued to the District Magistrate?

The Hon'ble Mr. A. K. FAZLUL HUQ: We issue instructions to the Board of Revenue and it is they who take the necessary action.

Suspension of collection of education cess.

***150. Al-Hadj GYASUDDIN AHMED CHOUDHURY:** (a) Is the Hon'ble Minister in charge of the Education Department aware that severe economic distress prevails all over Bengal this year?

(b) If the answer to (a) is in the affirmative, will the Hon'ble Minister be pleased to state whether he is considering the desirability of suspending the collection of education tax?

The Hon'ble Mr. A. K. FAZLUL HUQ: (a) Reports of economic distress have been received from several districts.

(b) Yes, as regards some districts I have decided that collection should for the present be suspended.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister please state the period for which the collection will be suspended?

The Hon'ble Mr. A. K. FAZLUL HUQ: That has not been decided yet, Sir.

Mr. PAMATHA RANJAN THAKUR: With reference to answer (b), will the Hon'ble Minister please state whether the suspension of the collection of the education cess stands in the way of the Government carrying out their primary education scheme?

Mr. SPEAKER: That question does not arise.

Al-Hadj GYASUDDIN AHMED CHOUDHURY: Will the Hon'ble Minister be pleased to state the names of the districts in which the collection of education cess has been suspended?

The Hon'ble Mr. A. K. FAZLUL HUQ: There are six districts altogether, but I cannot remember their names.

Mr. ABDUL WAHAB KHAN: Is the Hon'ble Minister aware that the agitation for the suspension of collection of the cess has mainly been started by the zamindars?

Mr. SPEAKER: That question does not arise.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether the district of Mymensingh is in the list?

The Hon'ble Mr. A. K. FAZLUL HUQ: No, Sir.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether the district of Mymensingh is one of the districts worst hit by floods?

Mr. SPEAKER: That question does not arise.

Mr. CHARU CHANDRA ROY: I submit Sir, that it arises in this way that economic distress prevails in Mymensingh but Mymensingh has not been included in the list. The Hon'ble Minister has said that reports of economic distress have been received from several districts and that as regards some districts he has decided that collection should for the present be suspended. As the district of Mymensingh has been worst hit by flood, therefore my question is relevant and to the point.

Mr. SPEAKER: Your question is whether suspension of collection has been made in Mymensingh.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir may I make the position clear? As regards Mymensingh, the position is that the cess was imposed long ago and we have already realised money and started work. From that point of view Mymensingh stands in a position different from the rest of the districts where the cess was going to be imposed. At the same time, in view of the representations received, we have been in communication with the District Magistrate. The law gives power to the District Magistrate to suspend realisation where realisation may really lead to hardship. We have not yet received any definite recommendation from the Collector, and the mater is under consideration. If the Collector and the Commissioner are definitely of opinion that Government intervention is necessary for a definite suspension, the collection will be suspended in Mymensingh also.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Minister be pleased to state whether as a result of the suspension of collection of education cess, the scheme for making primary education free in the districts concerned will also remain suspended?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes.

Maulvi MUHAMMAD ISRAIL: In view of the answer that the collection of education cess may be suspended, will the Hon'ble Minister be pleased to state whether he has received any representation from any of the organisations of tenants in Mymensingh?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have received no representation from tenants.

Removal of Sub-Registry Office at Mathurapur in the district of 24-Parganas.

***151. Mr. P. BANERJI:** (*a*) Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to state whether it is a fact that the Sub-Registry Office at Mathurapur of the 24-Parganas district is being shifted to a place adjacent to Mathurapur Road railway station, about 3 miles from its present site?

(*b*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons for taking such a step?

(*c*) Is the Hon'ble Minister aware—

(*i*) that there is hardly any habitation nearabout the place;

(*ii*) that the present Sub-Registry Office is located at thana headquarters Mathurapur for more than 70 years; and

(*iii*) that the present Sub-Registry Office is situated at the north-westernmost extremity of the thana and affords convenience to the people coming from the far-off Sunderban areas in the matters of accommodation and halt?

(*d*) If the answer to clause (*c*) (*iii*) is in the affirmative, are the Government considering the desirability of not shifting the Sub-Registry Office to the proposed site?

(*e*) Is the Hon'ble Minister aware that two dacoities have been recently committed just near the proposed site, one at a rice merchant's firm and the other at the Railway Station Master's quarters?

(*f*) If the present site of the Sub-Registry Office is to be changed at all, do the Government contemplate removing it southwards in a central place of the thana to the relief of the people of the Sunderban area?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes, but the site now selected is at a distance of about 2 miles and not 3 miles from the present location of the office.

(b) The present buildings are dilapidated and do not provide suitable accommodation for the office and the Sub-Registrar. There is no waiting room for females. Good drinking water is not available.

(c) (i) No.

(ii) The office has been located in the present site since 1875.

(iii) As the office is being removed to a place only two miles from the present site, the people coming from the outlying areas cannot be very much inconvenienced.

(d) No.

(e) So far I am aware a dacoity in the house of a rice merchant was reported in 1936 but no occurrence of this nature in the quarters of the Station Master of Mathurapur has been reported during recent years.

(f) It is not practicable to remove the office further to the south as no suitable house is available and it has been impossible to induce any party to undertake the construction of new buildings for this purpose.

Mr. P. BANERJI: With reference to answer (f), will the Hon'ble Minister be pleased to state how it was possible to have a new party to undertake the construction of the building near the Mathurapur station?

Mr. SPEAKER: I must be satisfied that the question is relevant. How does it arise?

Mr. P. BANERJI: Sir, the Hon'ble Minister has said that it is not practicable to remove the office further to the south, as no suitable house is available, and it has been impossible to induce any party to undertake the construction of new buildings for this purpose. The fact, however, is that the Registration office has been shifted near to the Railway station and a party has been found to undertake the construction of the building. My question therefore is how it was possible to get a man to construct the building near the Mathurapur station.

The Hon'ble Mr. A. K. FAZLUL HUQ: It is not possible for me to reply off-hand. I might make enquiries through the departmental officers.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state if the present owner of the building, Ashu Babu, applied to Government through the District Registrar for remodelling the building on the line suggested by the Sub-Registrar there?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have no information, Sir.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to enquire whether the application that was made in March, 1938, is still pending before the District Registrar and that it has not been forwarded to the Minister in charge?

The Hon'ble Mr. A. K. FAZLUL HUQ: I know nothing of the matter, and it is impossible for me to reply, but I will look into the question in view of the facts that have been disclosed.

Paucity of girls' schools in the Burdwan district.

*152. **Mr. BANKU BEHARI MANDAL:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware of the paucity of high and middle schools for girls in the Burdwan district?

(*b*) Will the Hon'ble Minister be pleased to state the number of recognised high and middle schools for girls in the Burdwan district?

(*c*) How many of these are in receipt of recurring grants from the Government?

(*d*) What steps do the Government contemplate taking to provide an adequate number of schools in this district?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes.

(*b*) There are at present no recognised high English schools for girls in the district of Burdwan. There is one recognised middle English school at Asansol, viz., Mahila Kalyan Girls' School.

(*c*) and (*d*) Steps are being taken to raise the girls' schools at Kalna and Katwa to the status of middle English schools with suitable grants and attempt will be made during the current financial year to provide a suitable grant to the Mahila Kalyan Girls' School at Asansol, which is at present unaided. There are two unrecognised high English schools, viz., the Municipal Girls' School at Burdwan and the Ushagram Girls' School at Asansol, which are at present in receipt of grants from Government and both are applying to the University for recognition.

Pension to diseased literary men of Bengal.

*153. **Maulvi MD. ABDUL HAKIM VIKRAMPURI:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether there is any provision in the Education Department to help the poor and diseased literary men of Bengal?

(*b*) If the answer to clause (*a*) is in the negative, is the Hon'ble Minister considering the advisability of helping such literary men of Bengal irrespective of caste and creed?

(c) Has the Hon'ble Minister received any application for such literary pensions?

(d) If the answer to clause (c) is in the affirmative, will the Hon'ble Minister be pleased to state—

(i) from whom such application or applications have been received; and

(ii) whether any step has been taken in the matter of such applications?

The Hon'ble Mr. A. K. FAZLUL HUQ: (a) There is nothing in the nature of a permanent provision; but literary pension is sparingly granted to men of advanced age on account of their literary merits and distressed circumstances.

(b) In awarding such pension no distinction is made of caste or creed.

(c) and (d) I have received five applications, but it is not considered desirable to disclose the names of the applicants. These applications are being carefully considered.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state the total number of recipients of this pension on the Civil List?

The Hon'ble Mr. A. K. FAZLUL HUQ: In the last six or seven years perhaps no literary pension has been awarded. Previous to that nine such pensions were awarded, and after that this is the first time that we have received applications, and we are considering the question.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether it is in the contemplation of Government to reserve some amount for literary pensions?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have gone up to the Finance Department with this proposal, but as yet I have not been able to induce the Finance Department to accept my proposition. I am going to have a fight with the Finance Department.

Maulvi MUHAMMAD ISRAIL: Will the Hon'ble Minister be pleased to state out of the 5 applicants how many are Muslims and how many of them are Hindus?

The Hon'ble Mr. A. K. FAZLUL HUQ: I should rather not answer that at the present moment.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government are considering the desirability of setting up some suitable machinery for examining the literary merit of the persons concerned who will be given or are proposed to be given these proposed pensions?

Mr. SPEAKER: That is a premature question.

Dr. NALINAKSHA SANYAL: He has stated that he has received applications and those applications are being carefully considered. So I put the question if Government while considering the applications consider it desirable to set up a machinery to examine the literary merit of the persons who have applied.

The Hon'ble Mr. A. K. FAZLUL HUQ: Government are following the procedure adopted in previous years, but the Finance Department are considering the position of setting up a sort of machinery of the kind indicated by the honourable member, but nothing has been decided yet. It may be that the Finance Department in agreeing to my proposal may make certain conditions, and this may be one of them.

Ministers' Salaries.

***153(A). Mr. SANTOSH KUMAR BASU:** With the Hon'ble Minister in charge of the Finance Department be pleased to state—

(1) Whether Government contemplate introducing any Bill for the determination of the salaries of the respective Ministers?

(2) If so, when?

(3) If not, what steps do Government propose taking to comply with the requirements of section 51 of the Government of India Act in respect of the salaries of the Ministers?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (1) No; (2) Does not arise; (3) I am advised that no steps are necessary inasmuch as the Bengal Ministers' Salaries Act, 1937, applies to the present Ministry.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government are considering the desirability of allotting a non-official members' day to enable a bill of this nature to be placed before the House?

Mr. SPEAKER: That question does not arise.

Mr. PROMATHA RANJAN THAKUR: With reference to answer (*3*), where the Hon'ble Minister has said that the Bengal Ministers' Salaries Act, 1937, applies to the present Ministry, will the Hon'ble Minister be pleased to state if the present Cabinet consisting of 10 Ministers is considered to be a new Cabinet inasmuch as the old Cabinet have resigned in a body last June?

Mr. SPEAKER: That question does not arise.

Mr. PROMATHA RANJAN THAKUR: It arises with reference to the Government of India Act.

Mr. SPEAKER: That is a legal dispute with which you have no concern.

Mr. DHIRENDRA NATH DATTA: With reference to answer (*3*), will the Hon'ble Minister be pleased to state whose advice has been taken by Government?

The Hon'ble Mr. NALINI RANJAN SARKER: Law Officers of Government.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Primary education cess.

78. Maulana MD. MANIRUZZAMAN ISLAMABADI: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state the procedure that is being followed in realising the primary education cess?

(*b*) Is it a fact that person paying a cess of Re. 1 is to pay Re. 1-12 in addition, making Rs. 2-12?

(*c*) Is it a fact that over and above this the tenants are to pay 3½ pice for every rupee of their rent and the zemindars 1½ pice on their revenue?

(*d*) Will the Hon'ble Minister be pleased to state whether the education cess is to be paid over the cess as well as over the rent and revenue?

(*e*) What is the total amount of cess that is realised and the total amount of education cess proposed to be realised annually, from the Province of Bengal showing the amount to be paid by the tenants and also by the zemindars?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) The member is referred to section 32 of the Bengal (Rural) Primary Education Act, 1930 (No. VII of 1930), in accordance with which the provisions of the Cess Act, 1880, apply to the levy, payment and recovery of primary education cess.

(*b*) According to section 30 (*4*) of Act VII of 1930 the person, if a *raiyat*, pays education cess at the rate of 3½ pice per rupee, i.e., 1¾ times of the road and public works cess, while if he is the holder of a tenure, he pays at the rate of 5 pice per rupee on the valuation cess 1½ pice for every rupee of rent payable by him.

(*c*) No such additional education cess is payable.

(*d*) Yes, it is payable over and above these other demands.

(*e*) The current cess demand during 1937-38 (excluding that of part III estates) is Rs. 89,50,000. The approximate total amount of education cess for the whole province is Rs. 1,21,50,000 distributed between *raiyats* and landlords as follows:—

		Rs.
Raiyats	...	89,00,000
Landlords	.	32,50,000
Total	...	1,21,50,000

Maulvi ABDUL BARI: Is the Hon'ble Minister aware that there is a feeling in the country amongst the masses particularly that the tenants' portion of the cess is too heavy, excessive and hard on them?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes, there is a feeling.

Maulvi ABDUL BARI: If there is a feeling like that, is the Hon'ble Minister prepared to amend the Act in order to reduce the tenant's portion of the cess?

The Hon'ble Mr. A. K. FAZLUL HUQ: It is a request for action.

Mr. SPEAKER: You can only ask for Government's intention.

Maulvi ABDUL BARI: I want the information whether Government are able to do anything at all, whether Government intend to bring an amendment to effect reduction of the tenant's portion of the cess.

Mr. SPEAKER: I am not able exactly to understand your question.

Maulvi ABDUL BARI: The Hon'ble Minister has stated that he is aware of the feeling in the country that the tenant's portion of the cess seems to be too high. My further question is, in view of the feeling of which the Hon'ble Minister is aware, whether he intends or whether he feels the desirability of amending the Acts so that the tenant's portion of the cess may be reduced.

Mr. SPEAKER: I now understand the question, but I am afraid it does not arise here. These are statistical informations, and you are raising a question of principle.

Maulvi ABDUL BARI: Sir, what I intend to say is this, whether the Hon'ble Minister thinks or whether the Hon'ble Minister intends to amend the Act or not. That is a matter of information.

Mr. SPEAKER: Whether he thinks or intends is all the same. So far as the question is concerned, it does not arise out of this.

Maulvi ABDUL BARI: May I put it like this Sir? Whether Government contemplate to amend the Act? That is also a matter of information.

Mr. SPEAKER: You must explore other sources to get that information.

"House System" in high schools.

79. Al-Hadj GYASUDDIN AHMED CHOUDHURY: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*a*) in which districts of Bengal the "House System" in high schools still prevails;

(*b*) what is its utility at present; and

(*c*) whether Government are considering the desirability of abolishing the system?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) In all districts, including Darjeeling district.

(*b*) It is a method of school organisation widely used under a variety of names in a number of countries. In England the name "House System" has been adopted because, in boarding schools, residents in each hostel or house are under the charge of a House Master. In Bengal the scheme is used as a means of arousing interest in all aspects of school activities—academic, physical and extra curricular.

The method used is to select as House Captains boys of outstanding character and ability and to entrust them with duties and responsibilities formerly entirely in the hands of teachers. In this work they are guided and advised by House Masters. The system has, therefore, an important place as a character-forming influence.

(c) Government have, since 1930, encouraged the introduction of the "House System", as an educational measure of great importance. It is intended to take further steps to introduce the scheme in schools that, so far, have not realised its benefits. There is no intention of abolishing the system.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether under the Departmental rules these House Masters and House Captains are required to supply the police with information about the political activities, if any, of the boys?

Mr. SPEAKER: How does that question arise? It has nowhere been stated.

Mr. SURENDRA NATH BISWAS: Government are very fond of this system. We suspect that Government are maintaining this system to supply the police with information on political activities of boys.

(No reply.)

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state whether this portion of the work of the Education Department has been handed over to the Intelligence Branch?

Mr. SPEAKER: That question does not arise

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state the purpose for which this system was instituted?

The Hon'ble Mr. A. K. FAZLUL HUQ: I am afraid I cannot add usefully to what has already been stated in the answer. Frankly speaking, I know myself very little about it.

Mr. NIHARENDU DUTTA MAZUMDAR: Is the Hon'ble Minister aware that the the authors of this scheme instituted it, because this scheme was a very useful machinery for espionage over young school children and students?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, I am not aware of it.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if the opinion of the University authorities or the School Committee of the University was ever taken as to the utility of this House system?

The Hon'ble Mr. A. K. FAZLUL HUQ: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government are prepared to make investigations of the University and of the schools concerned regarding the desirability or otherwise of continuance of this system?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, the system on the face of it seems to be a very laudable one, and I do not find any reason to suspect anything wrong. So, I do not think any enquiry need be made.

Mr. DHIRENDRA NATH DATTA: Will the Hon'ble Minister be pleased to state who controls this House system organization?

The Hon'ble Mr. A. K. FAZLUL HUQ: If the answer does not give the information, I must have notice, because I cannot answer offhand.

Mr. SANTOSH KUMAR BASU: Is the Hon'ble Minister aware that there is very strong public feeling against the continuance of this House system, and if so, will he enquire into the matter?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have read, Sir, one or two newspaper articles. Beyond that I do not know whether there is any feeling about it.

Mr. SANTOSH KUMAR BASU: Will the Hon'ble Minister be pleased to enquire as to whether the newspaper articles have got any justification or substratum of truth in them as regards the existence of a strong public feeling against this system?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not know how the enquiries are to be made, in which quarter.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware of the fact that the Military Intelligence Officer is in charge of this House system organization?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not know, Sir.

Rai HARENDRA NATH CHAUDHURI. Is the Hon'ble Minister aware whether the guardians of the boys approve of this scheme or not?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have received no objection from any quarter.

Realisation of education cess in the district of Murshidabad.

80. **Mr. SASANKA SEKHAR SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) when will the realisation of education cess begin in the district of Murshidabad; and

(*ii*) whether the Government are aware of a feeling amongst the agriculturists over the imposition of the education cess as an additional burden on the tenantry?

(*b*) Are the Government aware—

(*i*) that the majority of agriculturists are already in increasing indebtedness in respect of rent, road cess and other liabilities; and

(*ii*) that this year *aus* paddy and jute have been considerably damaged in a large portion of the district of Murshidabad?

(*c*) Are the Government considering the desirability of suspending at least for the present time the realisation of education cess?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*) The first instalment of the education cess is payable by the tenants to their landlords on the 16th July, 1938, while the first instalment due from the holders of estates to Government will be payable on the 28th September, 1938.

(*ii*) No such complaint has been received.

(*b*) (*i*) Some agriculturists are in debt in respect of rent, road cess and other liabilities.

(*ii*) In riparian areas and also lowlying areas *aus* paddy and jute crops have been considerably damaged due to heavy rain and early flood.

(*c*) The question is under consideration.

Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister aware of the latest position in the damage to crops by the flood situation which has extremely aggravated?

The Hon'ble Mr. A. K. FAZLUL HUQ: Matters have become worse since this answer was drafted.

Mr. SASANKA SEKHAR SANYAL: In view of this answer, will the Hon'ble Minister be pleased to consider this aspect of the question more particularly while considering the question of suspension of cess this year?

The Hon'ble Mr. A. K. FAZLUL HUQ: It will be taken into consideration.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware that it is only the Zemindars who are protesting against this education cess until now?"

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware that the tenants and particularly Muslims are in favour of the cess for having primary education in the districts?

The Hon'ble Mr. A. K. FAZLUL HUQ: Yes.

Maulvi ABDUL BARI: Is the Hon'ble Minister aware that it is only the Zemindars and the Congress people who are agitating against this education cess?

Mr. SPEAKER: Order, order. That question does not arise.

Expenditure for the proposed Purdah College.

81. Dr. NALINAKSHA SANYAL: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state the total estimated amounts for expenditure on account of the proposed Purdah College for—

(*i*) land;

(*ii*) buildings;

(*iii*) furniture and equipments; and

(*iv*) other capital expenses,

separately shown?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) the estimated annual recurring expenditure during the first five years; and

(*ii*) the estimated number of students and of staff for the first five years?

(c) Is it a fact that the Government propose to purchase from the Calcutta Improvement Trust a piece of land for the College at a cost of about Rs. 5,40,000 and part of this amount is proposed to be obtained by reappropriation of budget allotments for such projects as "Scheme for provision of adequate nursing in the Campbell Hospital", "Climatic Sanitarium for Tuberculosis", etc.?

(d) Will the whole scheme for the establishment of the Purdah College be placed before the Assembly for approval? If so, when?

The Hon'ble Mr. A. K. FAZLUL HUQ: (a) (i) Not known yet, as the land proposed to be purchased at a cost of Rs. 5,40,000 is meant for 3 institutions, viz., the Purdah College, the Sakhawat Memorial High School for Muslim Girls and the Muslim Female Training School —the latter two schools being held at present in rented buildings.

(ii) Not known yet. The estimate is under preparation by the Communications and Works Department.

(iii) and (iv) Not decided yet. These will be known when the budget for 1939-40 is before the Assembly.

(b) (i) As in (a) (iii) and (iv) above.

(ii) Staff—as in (a) (iii) and (iv) above.

Number of students—this will depend upon the accommodation provided.

(c) Yes.

(d) Yes, when the budget for 1939-40 is before the Assembly.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state, in view of the series of "not known yet" in his answers, the time when Government will be in a position to know these facts?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not think we will take more than a month.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government have decided to purchase the proposed land without having formulated any scheme whatever?

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, there was a scheme on the assumption that no land would be purchased and some estimates were drawn up. Subsequently, that scheme was given up in favour of a much larger scheme and it was decided to purchase this block and to build there the proposed Purdah College, the Sakhawat Memorial High School for Muslim Girls and the Muslim Female Training School.

The lands that were acquired were for sale, and the Improvement Trust made it a condition that an application should be forthwith made if Government really wanted this land. An estimate was made and for this purpose we proposed to purchase the land at a cost of Rs. 5,40,000. As regards the building, estimates are in progress and will be made ready in about a month's time.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government are considering the desirability of keeping the three institutions, namely, the Purdah College, the Sakhawat Memorial Girls' School and the Muslim Female Training School separate, so that the influence of the Muslim Female Training School and Sakhawat Memorial Girls' School may not in any way affect the Purdah College which is meant for all communities?

Mr. SPEAKER: Only the first part of the question need be answered. Dr. Sanyal, you are asking for information on the basis of supposition. The first part of your question is perfectly all right.

Dr. NALINAKSHA SANYAL: All right, Sir. Let the first part be answered.

Maulvi ABDUL BARI: That is not a point of information. That is a matter of opinion of the Hon'ble Minister, and as such I submit that question does not arise.

Dr. NALINAKSHA SANYAL: No, my question asks for an information.

The Hon'ble Mr. A. K. FAZLUL HUQ: The idea is to have all these institutions in one compound. They will be in separate buildings, but will be situated close to one another.

Submission of quarterly statement by the Trade Unions to the Labour Commissioner.

82. Mr. J. N. GUPTA: (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state whether it is a fact that the Labour Commissioner has circulated an order to Trade Unions in Bengal to submit a statement quarterly to him?

(*b*) If so, will the Hon'ble Minister be pleased to state the object of calling for such a statement?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) Yes, a copy of the circular in question is laid on the table.

(*b*) The object of calling for such a statement is to encourage Trade Unions to maintain regular books and registers and notify changes of address, if any, during the year. I may inform the honourable member that the Bombay Labour Office has introduced a similar scheme.

Circular referred to in the reply to clause (a) of unstarred question No. 82.

GOVERNMENT OF BENGAL.

OFFICE OF THE REGISTRAR OF TRADE UNIONS, BENGAL.

No. T.U.R.

From—The Registrar of Trade Unions, Bengal,

To—The Secretary,

.....

.....

Dated Calcutta, the *193* .

SIR,

In order to obtain fuller information about registered trade unions, it is necessary that they should furnish quarterly returns of their membership, changes of principal officers and average income and expenditure. The returns will not only supply the Registrar with more up-to-date information but will also encourage the unions to maintain their books and records properly.

I have the honour, therefore, to request you to furnish regularly in future returns for the quarters ending the 31st March, 30th June, 30th September and 31st December, in the form indicated below. The first return to be submitted is that for the quarter ending the 30th September, 1938. It will be due in October next.

Table I.

(For federations only.)

Centre.	Name, address and date of registration.	Name and address of the affiliated unions.	Name and address of important officers.	Average monthly income during quarter.	Average monthly expenditure during quarter.
1	2	3	4	5	6

Table II.

(For trade unions only.)

Name and date of registration.	Address.	Name of		Number of members on the date of return.	Average monthly income during quarter.	Average monthly expenditure during quarter.
		President.	Secretary.			
1	2	3	4	5	6	7

I have the honour to be,

SIR,

Your most obedient servant,

A. E. B. MURSHEDI,

for *Registrar of Trade Unions, Bengal.*

Mr. J. N. GUPTA: Will the Hon'ble Minister be pleased to state if he is going to take any action against any trade union for failing to submit returns in time?

The Hon'ble Mr. H. S. SUHRAWARDY: I suppose in the ordinary course of events the registrations will be cancelled.

Dr. SURESH CHANDRA BANERJEE: তবে এটা কি বাধ্যতামূলক না ইচ্ছামূলক কারণ যে সার্কুলার বিভিন্ন Trade Unionএর কাছে পাঠানো হয়েছে তা পোড়ে মনে হয় না যে এটা obligatory বরং মনে হয় এটা optional ; এ সম্বন্ধে মাননীয় মন্ত্রী মহাশয় বিস্তৃতভাবে কিছু বোল্‌লে ভালো হয়।

The Hon'ble Mr. H. S. SUHRAWARDY: There is no legal compulsion.

Dr. SURESH CHANDRA BANERJEE: তবে কি যে সব Union সেই Statement দেবে না তাদের Registration cancelled হবে ?

The Hon'ble Mr. H. S. SUHRAWARDY: No.

Adjournment Motions.

Mr. SASANKA SEKHAR SANYAL: Sir, may I move the adjournment motion which I wanted to move yesterday and in respect of which I asked for your leave. Regarding the question of urgency, I may add one thing viz., that the situation has become worse as will appear from the latest official information of to-day, and I hope the Hon'ble the Revenue Minister will agree to a discussion to-day.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I welcome a discussion.

Mr. SPEAKER: You have nothing to say as regards the admissibility of the motion?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: If the House is so very anxious to have a discussion, Government will not stand in the way. But may I make one submission? This morning there was a conference, as I stated yesterday in the House. At this conference the M. L. A's and M. L. C.'s representing the Presidency Division, Collectors of the affected districts, some of the Subdivisional Officers and the Commissioner of the Presidency Division were present. We discussed at length the principles on which relief is to be distributed and the principles on which test relief works are to be organised. Information regarding the details of the steps taken was also supplied to all the honourable members who were present at the conference. If in spite of that Mr. Sanyal wants to move his adjournment motion, certainly Government will not stand in the way but personally I feel, Sir, that it is very difficult for Government to supply any fresh information to him.

Mr. SASANKA SEKHAR SANYAL: Sir, I am quite alive to what happened in the conference and I am fully conscious of my responsibilities, and I consider this matter from the point of view of the Hon'ble the Revenue Minister. But I think I shall be failing in my duty as a member of this House if I do not get an opportunity of discussing the matter before the House. I shall certainly respond to what has happened in the meantime in course of such discussion.

Mr. M. SHAMSUDDIN AHMED: Sir, I was present in the conference. There was a full discussion and the position was fully explained by the District Magistrate of Murshidabad. I thought that my friend would be quite satisfied with the explanation offered by the District Magistrate, Murshidabad. After all, it is not a question of flooding of Murshidabad alone, but of five or six other districts also.

Mr. SASANKA SEKHAR SANYAL: That is all the more reason why the matter should be discussed.

Mr. SPEAKER: So far as this matter is concerned, I am not concerned with its merits. The only thing with which I am concerned is to see whether it is admissible or not and then I have to put it to the House and if the House thinks that it is not a matter—since it is the subject-matter of a conference or for any other reason—which should be discussed in this House, it is for the House to say so.

So far as Mr. Sanyal's motion is concerned, I find that it is a definite matter of urgent public importance.

(At this stage there was a disturbance coming from the Opposition benches.)

Mr. SPEAKER: I hope I shall not be told to "assist" myself once more, if I ask the front benches not to make so much noise (laughter).

Mr. SANTOSH KUMAR BASU: In this instance, Sir, the front benches are trying to assist you by coming to a decision amongst themselves.

Mr. SPEAKER: I hope this will be done by the time I sit down (laughter). I am prepared to wait for a few minutes.

Dr. NALINAKSHA SANYAL: Sir, is it possible for you to postpone the discussion till Thursday, that is, day after to-morrow, after admitting this motion and after the leave of the House has been given? That will solve the problem from all sides. On Thursday, there are small Bills like Local Self-Government Bill, Municipal Bill, etc.

Mr. SPEAKER: I do not think that there is any other matter pending; at least I have not received any notice.

Dr. NALINAKSHA SANYAL: Let us know the Hon'ble the Chief Minister's opinion.

Mr. SPEAKER: As a matter of fact, it is for the House to consider whether leave should be given or not. But in view of the fact that the motion is concerned with a very serious matter and also in view of the fact that the flood matter could not be discussed at the time of the discussion of the Supplementary Budget—a consideration which always weighed with me—I feel that I will not be properly exercising my functions if I withhold my consent to the motion. I consider that the motion is in order, and I now ask the House if leave should be given or not.

Mr. JOGESH CHANDRA GUPTA: I will ask the Leader of the House to allot another day so that we could discuss this all-important question. I will appeal to the Leader of the House to consider the fact that flood situation prevails not only in Murshidabad but in almost all the districts of Bengal and there is a strong desire, if I may say so, from all sections of the House, to discuss this matter so that proper and adequate steps might be taken to bring succour to the suffering humanity. I would, in such circumstances, beg of the Leader of the House just to allow us one additional day for discussion of the flood situation and let us follow our ordinary non-official business on the non-official day.

Mr. SPEAKER: So far as the present motion is concerned I cannot allow any discussion; let us proceed according to rules. In case leave is granted by the House, the Leader of the House and the members of other groups may consult together and if an agreement can be arrived at, I shall be most glad to consider the matter.

The Hon'ble Khwaja Sir NAZIMUDDIN: In view of the remarks made by Mr. J. C. Gupta, the House ought to know that Government have taken steps to discuss the situation with the members of the districts where floods have taken place. They have sat round a table and discussed the question threadbare in the presence of local officers and those who are directly responsible for giving relief to the people concerned. I fail to see how the situation can be improved by discussing the matter again in the Legislative Assembly. The three divisions which are involved in this flood are Presidency Division, Rajshahi Division and the Dacca Division. Conference of each of these Divisions has already taken place and I may inform the House that the discussions have been extremely satisfactory and what is more, that all the members who were present were, as far as I am informed, fairly satisfied with the measures that are proposed to be taken and the policy that has been laid down by Government to meet the situation.

Mr. SPEAKER: I cannot allow discussion at this stage. As a matter of fact, I suggested, immediately after Mr. J. C. Gupta spoke, that this is a matter which should be discussed outside the House. For the time being I am only concerned with the adjournment motion—if I find the motion in order, I have to ask for leave of the House. I will not put it immediately, but a short while after; in the meanwhile, I shall be prepared to reconsider my view and if Mr. Sanyal so chooses, he may withdraw his motion.

The question before the House is whether leave should be given to Mr. Sanyal to move that this Assembly do now adjourn to discuss a definite matter of urgent public importance, namely, the situation arising out of the continuous and daily increasing march into Berhampore and other town of the district of Murshidabad of a number of

villagers in the said district who with their cattle and children have been loitering in the streets and open places of the said towns for food and shelter, having been compelled to leave their homes during the last week, particularly yesterday and the day before, due to devastation caused by flood.

The motion was then put and agreed to.

Mr. SPEAKER: Leave being given by the House, the motion will be taken up at 6-10 p.m. to-day. I have given a little more time so that the matter may be discussed and if an agreement is arrived at, it may not be necessary to proceed with the motion.

As regards Dr. Banerjee's motion, it is too late and cannot be moved to-day. Under the rules only one adjournment motion can be taken up in a day. Mr. Sanyal's motion was kept pending yesterday and naturally it got the priority.

Dr. SURESH CHANDRA BANERJEE: আমি কাল move করিতে পারিব কি ?

Mr. SPEAKER: I cannot say it now.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, you gave consent to my adjournment motion——

Mr. SPEAKER: Unfortunately under the rules, I cannot take up more than one motion in a day.

Mr. NIHARENDU DUTTA MAZUMDAR: Sir, may I know if my motion will be taken up to-morrow?

Mr. SPEAKER: I will consider it.

Signatures in Requisition.

Al-Haj Maulana Dr. SANAULLAH: Mr. Speaker, Sir, it is reported to me that you made a statement yesterday while I was absent from my seat regarding my requisition claiming priority of the Ramzan vacation resolution. It is my duty to explain the situation and the circumstances under which I took the signatures of the honourable members. These signatures were taken, if I remember aright, in September last with the definite and distinct understanding of the honourable members that I shall use them for the Ramzan vacation resolution alone in the coming session, as it will be quite clear from the text of the requisition itself—it being in very general terms.

At that time I issued a statement to the Press regarding this resolution wherein I stated that I had secured the signatures of 105 members of the Assembly. And in the meantime if anybody dies or goes abroad that is no fault of mine. As, however, there is no provision in the Standing Rules and Orders of the House that the signatures will be taken during the current session and in view of the fact that the resolution was identical, nay, the very same resolution, I used those signatures and submitted the said requisition. When I was informed by you last Saturday that my requisition was rejected I privately explained to you the whole situation and I was willing to submit a fresh requisition, if necessary.

Mr. SPEAKER: You may do so.

Al-Haj Maulana Dr. SANAULLAH: I say that each and every signature of the said requisition was genuine and was used for the very purpose for which it was taken.

Mr. SPEAKER: I must say once for all in this connection that there should not be any congregation of signatures by members a few sessions ahead. Members should get the signatures every time before a resolution is brought in and as to whether a particular resolution should get priority or not it is from that point of view that the Speaker has to give his consent. In this case I am perfectly satisfied with the explanation of Dr. Sanaullah. But I may say for future guidance that members should not take signatures of other members ahead.

A Point of Order.

Sj. NARENDRA NARAYAN CHAKRAVARTY: সভাপতি মহাশয়, আমার কিছু বক্তব্য আছে। গত ২রা অগাষ্ট তারিখে আমি একটা short-notice question tabled কোরেছিলাম। ১৯শে তারিখে দেখেছি যে মাননীয় সভাপতি মহাশয় সেটা অনুগ্রহ কোরে মঞ্জুর কোরেছেন। তারপর ২১শে তারিখে সেই short-notice question টা আমাকে সাধারণ starred question হিসাবে পাঠানো হয়। এটা মঞ্জুরিকৃত হয়েছিলো, সভাপতি মহাশয়কে নিজে এসম্বন্ধে আবেদন কোরেছি, এবং যাতে আমার এই short-notice question টা short-notice question হিসাবেই গৃহীত হয়, তার জন্য অনুরোধ কোরেছি, আমার মনে হয় সে সময় মাননীয় সার বিজয় প্রসাদ সিংহ রায় মহাশয় সেখানে উপস্থিত ছিলেন এবং তিনি বলিয়াছিলেন যে এ সম্বন্ধে একটা বিবৃতি দান করা হবে। সেইজন্য আমি কাল আপনার কাছে কিছু জিজ্ঞাসা করি নাই। আমি আজকে জিজ্ঞাসা কোরছি যে মাননীয় মন্ত্রী মহাশয় কি এ সম্বন্ধে কিছু বোলতে অনিচ্ছুক? এবং আমার এই প্রশ্নটা কি তবে সাধারণ starred question হিসাবেই গৃহীত হবে? আমার এই question যে গুরুতর তা মন্ত্রী মহাশয় নিজে জলপাইগুড়ি কনফারেন্সে স্বীকার কোরেছেন। সমস্ত

বাংলা দেশের মধ্যে পাবনা জেলার যে বন্যা সেটা গুরুতর। আমার এই প্রশ্ন যদি starred question হিসাবে গৃহীত হয় তাহলে এর উত্তর সুদূরপরাহত। কাজেই আমার question টাকে এড়িয়ে যাবার জন্যই এটাকে starred question হিসাবে দিয়ে আমাকে বঞ্চনা করা হয়েছে।

Mr. SPEAKER: Any way, so far as I am concerned I am helpless: unless the consent of the Hon'ble Minister concerned is received, it cannot be admitted as a short-notice question. But I will see that even if the reply to this question is received by my department on the last day an attempt will be made to place it on the able. Nothing more can be done.

Short-notice question.

Mr. SURENDRA MOHAN MAITRA: I understand, Sir, that the consent of the Hon'ble Minister to my short-notice question has been received in your office.

Mr. SPEAKER: So far as these matters are concerned, they are not matters which concern the proceedings of the House: therefore, you will please enquire of the Secretary after to-day's sitting or during the prayer-interval and he will give you all the information.

I will now take up Non-official Bills.

NON-OFFICIAL BILLS.

Bengal Money-Lenders (Amendment) Bills, 1937.

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: I beg to present the report of the Select Committee on the Bengal Money-Lenders (Amendment) Bills, 1937, by—

(1) Mr. Ahmed Hosain,

(2) Maulvi Rajibuddin Tarafdar, and

(3) Maulvi Abdul Hakim.

Mr. DHIRENDRA NATH DATTA: I rise on a point of order, Sir. I submit, Sir, that the reports of the Select Committees are not in order. Under rules 61 and 63 of the Rules and Standing Orders, the Bills cannot be dropped. The Committee must submit a comprehensive report as required by rules 61 to 63, and specially in view of the fact that though the Money-Lenders Bill is a Non-official Bill, and was taken by the Government as the basis of a Government Bill in the

last session of the Assembly on the distinct understanding that in this session of the Assembly it would be taken up for consideration. As a matter of fact, a comprehensive Bill framed by Government was placed before the House and was referred to a Select Committee, and it was originally stated that the report of the Select Committee would be submitted on 23rd August——

Mr. SPEAKER: I quite understand your point, but I am afraid that this is not the stage at which you can discuss this matter. For the present, it is merely a formal presentation and nothing more than that is in the agenda to-day. If, however, at any subsequent stage this matter does come up again for discussion, then will be your proper time for discussing it. For the time being I may say again that it is nothing but a presentation of the report of the Select Committee, and, therefore, even supposing your entire point is valid, I cannot send the report back to the Select Committee on my own motion until again the matter comes up in this House in some form or other. I have got my full sympathy with you, and in the meantime I will look into the subject as to whether the report is in order, but I may say for the time being that your point of order cannot be raised at this stage.

Mr. DHIRENDRA NATH DATTA: I rise on a point of information, Sir, whether this Committee sat in Darjeeling and what expenditure was incurred?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Sir, I have carefully read and reread section 61 of the Assembly Rules and Standing Orders that has been referred to by my friend Mr. Dhirendra Nath Datta. The rule states that when a Bill has been referred to a Select Committee, the Committee shall make a report thereon. There is nothing to show what is the nature of the report, whether the Committee is entitled to make a short report or not——

Mr. SPEAKER: Anyhow, I have not given my decision yet.

Dr. NALINAKSHA SANYAL: But, Sir, I do want a decision, so that the question may not hang in the air.

Mr. SPEAKER: Well, all I can say is that I am quite prepared to give a decision when the proper time comes, but the present is merely an occasion when the report of the Committee is presented. If at a subsequent stage the matter again comes up, I will give my decision then.

Dr. NALINAKSHA SANYAL: Is not this "subsequent" stage coming to-day?

Mr. SPEAKER: I do not know.

Dr. NALINAKSHA SANYAL: It must be so, Sir, for rule 63 states that "immediately after the presentation of the final report the member in charge may move—"

Mr. SPEAKER: Well, we have not got any notice yet as to whether any further action will be taken with regard to this matter to-day; so, will you please sit down?

The Bengal Municipal (Amendment) Bill, 1937.

Mr. SUKUMAR DUTTA: I beg to move that the Bengal Municipal (Amendment) Bill, 1937, be referred to a Select Committee consisting of—

(1) The Hon'ble Minister in charge of the Department of Public Health and Local Self-Government,

(2) Mr. Surendra Mohan Maitra,

(3) Mr. Barada Prosanna Pain,

(4) Mr. W. C. Patton,

(5) Mr. M. Shamsuddin Ahmed,

(6) Mr. Birat Chandra Mondal,

(7) Mr. Abdulla-Al Mahmood,

(8) Mr. Hasan Ali Chowdhury, and

(9) the mover,

with instructions to submit their report by 31st October, 1938, and that the quorum be fixed at four.

Mr. Speaker, Sir, my Bill provides for a very simple measure, that is, the abolition of the system of nomination in the local bodies. I have deliberately refrained from introducing other measures in this Bill so as not to confuse the issues. The Bengal Municipal (Amendment) Act, as it stands, contains many undesirable features. I am not touching upon them for the present as there may be differences of opinion in those matters. But certainly everybody in this House will agree with me that the system of nomination should be abolished forthwith. As I pointed out at the time of introducing the present Bill, this abolition comes as a natural corollary to the abolition of the system of nomination in the Provincial Legislature. I do not think

any argument is needed to convince the House that the elected representatives are responsible enough to manage their own affairs without the help of outsiders. The same electorate that has elected us has also elected the commissioners of the municipal bodies and if we pretend to be responsible enough to govern the destinies of the province without the help of nominated members, I do not think that the elected members of municipal bodies will not be thought fit to run their own institutions. The system of nomination is an insult to the electorate, and as elected representatives we stand to vindicate their honour. The system of nomination has also a corruptive influence. Members are not nominated on the ground of their merit, and gentlemen of outstanding ability or people who have rendered distinguished services to their localities are seldom chosen. One can get nominated only by pleasing the local officials. The chairmen and vice-chairmen of the local bodies have also to seek the pleasure of the officials to get the members of their party nominated. Officials have utilized this weapon in the last Assembly election against candidates whom they did not like, specially the Congress and Praja Party candidates. The chairmen and vice-chairmen cannot openly support popular candidates only for fear of incurring the displeasure of officials. The demoralisation that has set in as a result of this pernicious system of nomination is simply shocking. It is a pity that Government themselves have not come forward with a similar proposal. The initiative should have come from them. The Bombay Government have already introduced a Bill for the abolition of nomination and the other Congress provinces have decided to introduce this principle at an early date.

Mr. Nausher Ali, when he was Minister in charge of Local Self-Government, expressed a strong sympathy for this measure, but I am afraid the Labour Minister who has stepped in his shoes does not hold similar views, as will be apparent from the amendment he has tabled. Perhaps he is not prepared to let go such a power through which it is possible to have an effective control over Municipal Boards. I appeal to every member of this House, irrespective of the party to which he may belong, to support my Bill, as the existing system of nomination is against all principles of democracy. Through the help of nomination it is possible for a person to be elected Chairman of a municipality even though he may not enjoy the confidence of the majority of the elected members. Sir, we have been able to snatch away some small amount of democracy from the unwilling hands of the British Government. But there is no denying the fact that the system of nomination takes away the very essence of democracy from our self-governing institutions. I may say here that my Bill has the approval of the majority of the institutions to which it has been sent for eliciting opinion. I may read here, Sir, with your permission, a relevant portion of the opinion given by the Commissioner of the Burdwan Division. It will show

what even some of the officials think of this Bill. He says "I have already expressed my opinion regarding the proposed abolition of the appointment system in municipalities in my letter, dated 29th January, 1938. The argument of the District Magistrate of Howrah is to the point because if the appointment system is to be made use of for political and communal ends, it is no longer of any use for purposes for which it was intended. Already we have a few instances in the Burdwan Division in which the recommendation for nomination made by local officials was rejected by Government and appointments were made of men unknown to the locality, and considered unsuitable by the District Magistrates concerned. I may add, Sir, that unless appointments are made with a view to suit local conditions and to meet local interests I am definitely in favour of the abolition of this system."

Sir, you will find that a prominent official of Government also holds views similar to mine. As my Bill has the approval of the public, as is apparent from the reports received from the various representative institutions, I hope elected representatives of the people here will support this motion. With these words, Sir, I commend this motion to the acceptance of the House.

Mr. SASANKA SEKHAR SANYAL: Mr. Speaker, Sir, I do not intend to move the adjournment motion and I may make this submission in that connection: it is not the desire of the Leader of the Opposition that I should do so, and in obedience to the order of our Leader, I have decided not to move it.

The Hon'ble Mr. H. S. SUHRAWARDY: It is strange that Mr. Sanyal is not going to move the adjournment motion, although the Opposition appeared to be so anxious to have a complete day to discuss that motion.

Mr. JOGESH CHANDRA GUPTA: It seems that Mr. Suhrawardy is so very anxious to avoid a debate on the Bills relating to his department that he would prefer the adjournment motion being taken up now.

Rai HARENDRA NATH CHAUDHURI: Sir, I rise to support the motion of my friend Mr. Sukumar Dutta. Our Bengal Ministry comes forward in season and out of season to say that it is a very progressive Ministry rather the most progressive in the whole of India, and that there is no other province that can beat it in its performance. I was therefore surprised to find that the Hon'ble Minister in charge of the department had put in a motion for the recirculation of this Bill. On reconsideration he has not of course moved that motion, but the tabled motion shows the mentality of Government. Is the

Government aware, is the Hon'ble Minister aware that so far as the abolition of appointment or nomination of Commissioners is concerned, other Provinces have gone ahead? Is he aware that Madras abolished nomination some eight years ago? It was by the amending Act X of 1930 that they abolished the whole system of nomination so far as Madras municipalities were concerned? I do not know why my friend, Mr. Sukumar Dutta, omitted to mention that fact. But the fact stands that the present Madras District Municipal Act, by section 7(2) provides that "all the councillors of every municipality shall be elected" and that provision has stood good for the last eight years. When that is a fact, I hope the present Bengal Ministry will allow my friend to proceed with his Bill and to have it passed without any opposition; otherwise it will set itself down as a reactionary Government and there can be no further doubt about that.

Mr. SPEAKER: The question before the House is that the motion of Mr. Sukumar Dutta that the Bengal Municipal (Amendment) Bill, 1937——

The Hon'ble Mr. H. S. SUHRAWARDY: On a point of information, Sir. I understood that there were going to be more speeches from this side of the House, and I had personally intended to explain the Government view before the motion was actually put to the vote of the House.

Mr. SPEAKER: I am sorry, Mr. Suhrawardy, immediately after Mr. Rai Chaudhuri sat down, I looked round but nobody stood up on his legs. I knew that there were a number of persons who intended to speak, but unfortunately none of them stood up, not even the Hon'ble Minister himself. I am afraid, as I was actually putting the question to the House, I cannot, following the principle which I adopted the other day, allow a debate on this question now. If I do so, I will be guilty of inconsistency.

The Hon'ble Mr. H. S. SUHRAWARDY: May I rise to a point of order, Sir? With reference to what you have just said, I do not desire to contest your statement that you were putting it to the House, but I submit that you have just begun to put it to the House, and that you had not completed reading the whole motion that was being put to the House. In the second place, Sir, the confusion was clearly due to a misunderstanding. I submit therefore that even though no honourable member from this side might have an opportunity to speak, the point of view of Government should be placed before the House before a decision is taken on the question.

Mr. SPEAKER: In that view, however, I am quite prepared to allow you, Mr. Suhrawardy, to speak as a special case.

Mr. Khwaja SHAHABUDDIN: I submit, Sir, that in the first place there had been some confusion because we were under the impression that the adjournment motion was going to be moved at 6-10 p.m. Most of the members were under the impression that this question would not be taken up so early in view of the fact that it was time for the adjournment motion being discussed. Then, Sir, may I submit that Mr. Abdul Hamid Shah did, as a matter of fact, stand up, but unfortunately he did not catch your eye. Therefore I would request you to kindly allow one or two members from this side to speak.

Mr. JOGESH CHANDRA GUPTA: You remember very well, Sir, that on the first no-confidence resolution discussion after having said that a general discussion will be allowed on the first motion, you put the first motion to the vote of the House because there was some delay in our getting up to speak.

The Hon'ble Mr. A. K. FAZLUL HUQ: May I point out, Sir, that I would not have intervened but the question of allowing members to speak or not depends very much on the importance of the issues that are raised. In the case of the no-confidence motion, if speeches could not be delivered on one, there were nine others on which members had an opportunity of expressing their views. But in this case, a proposal has been made for the abolition of the system of nomination in the municipalities. This is a matter which raises issues of the greatest importance, and before the members are asked to cast their votes, I submit that there should be a full and detailed discussion, and I can tell you, Sir, that Mr. Abdul Hamid had got up, and Mr. Birat Mandal was almost on his legs. I hope you will allow some members to speak. As a matter of fact, half a dozen names have been handed over to you from this side of the House. I submit therefore that in this case you will allow members to take part in the discussion and express their views. It is no use recording a mere silent vote on a question like this.

Mr. SPEAKER: As I said, it is very unfortunate. Unless the members themselves follow the proceedings, it will be very difficult for the Speaker to function. I quite sympathise that so far as this Bill is concerned, names were given to me not merely of four or five, but six. But immediately after this motion was moved, I called Mr. Suhrawardy. He did not move it. Then Mr. Rai Chaudhuri rose. I asked him not to do so then but rise at a later stage. Then I called Mr. Muhammed Ali. Then I decided that these motions are in order. Then Mr. Rai Chaudhury spoke. He sat down, and nobody rose up on this (Coalition) side. It might be that they were one or two seconds late. But I waited. In this view, as a special case, I can allow Mr. Suhrawardy to speak, as otherwise the Government side

will be unrepresented.' But I think it would be inconsistent to the principle which I observed the other day if I allow other members to speak.

Mr. NIHARENDU DATTA MAZUMDAR: Sir, you definitely put the question to the House, and once you have done that I submit——

Mr. SPEAKER: Order, order Mr. Mazumdar. I did not put the motion.

The Hon'ble Mr. H. S. SUHRAWARDY: Mr. Speaker, Sir, the question of the abolition of nominations in municipalities is not so simple as it would appear (RAI BARENDRA NATH CHAUDHURI: Not with a reactionary Government) with a Government that has got to safeguard the interests of all peoples and not merely hand over the minority community to the hands and to the goodwill or the illwill of a community in whose hands its interest will not be safe.

If nominations are abolished in the municipalities, I think the question must be considered as a whole. You can hardly consider the question of the abolition of nominations in municipalities without considering what should be done with the question of nominations in other local bodies. (A VOICE FROM THE OPPOSITION BENCHES: "We do not want that."). Whether you want it or not is not the point. Before Government can come to a decision on this matter, it must come to a decision on all the points, and if it is going to consider whether the system of nominations should be abolished or not, it must come to a decision in regard to other local bodies as well. At the same time in each of these local bodies it has got to see what effect the abolition of the system of nomination will have on the present question of representation.

Now, Sir, to-day a certain proportion of members is nominated in the municipalities, and the purpose of these nominations is to give representation to those communities or to those interests that could not find place on the Board by actual election. (A VOICE FROM OPPOSITION BENCHES: "Reservation.") Reservations by themselves cannot deal with the matter. On the other hand if you abolish nominations, you have also got to consider the question of reservation, whether reservations will have to be increased, whether reservations will have to be abolished, and also whether reservations will have to be given to A, B, or C communities, whether reservations should have to be given to the Muslim community as they are given, to the Hindu community where they are declared to be a minority, or to the scheduled castes; all these questions will have to be considered. By a mere change in the Act that let nomination be abolished, all these things cannot be considered. There

have been Bills placed by more practical people who, while considering the question of the abolition of nominations in municipalities, have also considered side by side with it the question of reservation, and also whether reservations ought to be increased in respect of particular communities or not.

Rai HARENDRA NATH CHAUDHURI: Why did not the Government consider this so long?

The Hon'ble Mr. H. S. SUHRAWARDY: The Government has not considered it so long, because so far as the present portfolio is concerned, I have had it only for a very short time. So far as the previous honourable minister is concerned he may, according to the honourable mover, have given expression to his views and to his sympathies, but they remained at that place and no further steps have been taken. Now, you are asking me to take steps, and when you ask me to take steps, you must give me time to consider this matter in all its aspects, and not merely take them separately and consider about municipalities only, and then after this is done to take up the question of District Boards and Union Boards.

At the present moment, that is according to a recent circular of Government, in giving nominations particular attention has got to be paid to the interests and of classes that usually cannot be represented, such as for industries and labour, for which the honourable gentleman may remember there was an amendment also in 1932, but in spite of which representation may be given and is given to Industries and Labour in addition to the numbers set apart for these interests. And as regards the scheduled castes, it has been shown that although in many places the scheduled castes are in a fair proportion, they have not yet been able to return a member in direct election. Therefore in order to provide for them nominations are utilized.

Now, everything is possible, Sir. We can establish an Utopia. Why even reservations? Let us have a very just system, but in order to arrive at that just system, you have got to consider and ponder over it, and not merely take up a Bill whose only object is to abolish nominations not merely nominations in the general seats, but also nominations for Industries, for Labour and unrepresented interests. Even these additional seats which were provided for in 1932 are proposed to be abolished here. Practically all the interpellations and interruptions from the other side come to this point, that the Bill may be bad in respect of such and such matters, but they should be considered in the Select Committee. That is not the function of the Select Committee. If you send a Bill from here to the Select Committee, the Select Committee may only tinker with merely petty matters, but not on this question as to whether if nominations were abolished, reservations should

be given. Whether reservations should be abolished or not is a question of principle which will have to be decided on the floor of this House.

Now, Sir, I shall have to oppose this particular Bill in case the honourable member does not withdraw his Bill, but I would request the honourable member to withdraw his Bill on the ground that we propose examining the whole question not only of municipalities but also of all local self-governing institutions and arriving at a decision in the matter. I think in answer to a question or in the course of a debate, I forget which, I stated that I have issued orders for circularising various bodies and institutions and officers to ascertain from them their views for a comprehensive amendment of the various Acts, namely, the Bengal Municipal Act, Local Self-Government Act and the Village Self-Government Act, and this question will be taken up and dealt with in a comprehensive manner. I deprecate piece-meal legislations, I deprecate the question of taking one item in this very controversial act and trying to tamper and tinker with it. I expect that the House will agree with me that the honourable member will be well advised to withdraw his motion on the assurance I am giving him that I propose examining not only this question in reference to other bodies, but examining the question of bringing in a comprehensive amendment of the various Acts, which I hope will embody in a more just, fair and business-like manner the proposals of the honourable mover.

Mr. SANTOSH KUMAR BASU: Is there any definite time-limit?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir. It depends very much on the extent to which the members of the public respond to the call of Government. Also it depends upon such time as may be placed at our disposal by the members of the Opposition. A little less of opposition and a little less of co-operation (Mr. JOGESH CHANDRA GUPTA: A little less or a little more of co-operation?) Yes, a little more of co-operation would have carried things much further, and we would have been in a much better position to place from time to time the Bills before the House which we are very anxious to place, but in regard to which we are being hampered by what I may call the obstructive methods which have been adopted.

Mr. SANTOSH KUMAR BASU: Sir, may I ask the Hon'ble Minister that if the Opposition is withdrawn to Government, then only Government can function effectively and not otherwise?

The Hon'ble Mr. H. S. SUHRAWARDY: No, Sir. If opposition is kept within reasonable bounds, it is very helpful but when opposition stoops to such methods which we consider make the opposition unreasonable, then it hampers the work of Government.

Now, Sir, as the honourable members must have noticed, at this particular moment without consulting the opinion of all classes and communities—the opinion of the scheduled caste members to which I pay a good deal of attention in spite of their opposition to us, the opinion of the European community, the opinion of the Anglo-Indian community, the opinion of the Industries, the opinion of the genuine labour organisations, without consulting their opinion, Sir, I am not prepared to say one way or the other whether nominations should be abolished, or should be retained in municipalities. My personal views do not matter. (Rai HARENDRA NATH CHAUDHURI: What about the opinions elicited?). As to that, Sir, opinions vary greatly. Some say that nomination should be maintained, some say the time is not yet ripe for abolition, while others have stated that it should be abolished. If honourable members will be good enough to classify the five separate lists that have been sent—they will find that it is in the majority community in the municipalities that wants that nomination should be abolished, so that it can go on with its work unhampered. Apart from those places, there is a vast volume of opinion against the abolition of nomination. (Mr. SUKUMAR DUTTA: If I say that the majority of the institutions have opined in my favour?) The majority of municipalities are governed by members of the same persuasion as the honourable member and, therefore, it is obvious they will be against nomination. But those persons, for instance, of other views who would not be represented unless the system of nomination is retained—they are not in favour of the abolition of nomination. That has to be taken into account, and by sheer force of the majority I do not think that the honourable members on the other side should try to override the claims of the minority community. As I have already said, Sir, so far as my personal views are concerned, they do not matter. I will not state them before this House as to whether I am personally in favour of nomination or not. I think it is a great mistake, if I may say so, on the part of any minister to give his personal views without getting the sanction of Government in that connection. But I can say this, whether I am in favour of abolition or not, that I do find that nominations are a perfect nuisance for any minister and he would be only too glad to get rid of it.

Mr. SPEAKER: The question before the House is that the Bengal Municipal (Amendment) Bill, 1937, be referred to a Select Committee consisting of——

(1) The Hon'ble Minister in charge of the Department of Public Health and Local Self-Government,

(2) Mr. Surendra Mohan Maitra,

(3) Mr. Barada Prosanna Pain,

(4) Mr. W. C. Patton,

(5) M. Shamsuddin Ahmed,

(6) Mr. Birat Chandra Mondal,

(7) Mr. Abdulla-al Mahmood,

(8) Mr. Hasan Ali Chowdhury, and

(9) the mover,

with instructions to submit their report by 31st October, 1938, and that the quorum be fixed at four.

The motion was then put and a division asked for but was not pressed when the motion was repeated from the Chair.

The motion was again put and lost.

Ruling on Divisions.

Mr. ABDUR RAHMAN SIDDIQI: On a point of order, Sir. Members from this side have seen Mr. Dutta standing up but perhaps owing to bad accoustic conditions——

Mr. SPEAKER: I have not heard him asking for a division.

Maulvi ABDUL BARI: On a point of information, Sir. On the last occasion when you asked whether "Ayes have it" or "Noes have it", the Opposite side called for a division but after five minutes when it was again put they did not press for the division. You told the House at that time that no such thing should be repeated any more. To-day also they are playing the same trick. Is it a farce——

Mr. SANTOSH KUMAR BASU: On a point of order, Sir. The honourable member must withdraw the word "trick". He does not know the meaning of the word "trick".

(At this stage Mr. Speaker rose and asked Maulvi Abdul Bari to resume his seat.)

(Cries of "withdraw, withdraw" from the Opposition Benches and of "no, certainly not" from the Coalition Benches: there ensued a great uproar in the House.)

Mr. SPEAKER: Order, order. Mr. Bari, I have been asking you over and over again to sit down.

(Maulvi Abdul Bari took his seat.)

I will also ask the Opposition to remember that it will be very difficult for me to conduct the business of the House if there is a demonstration like this.

(Mr. Sibnath Banerjee stood up.)

This is the third time, Mr. Banerjee, that I am drawing attention of the House to the rule that when the Speaker is on his legs, no member should disturb him. If you have got anything to say, you will kindly say that after I sit down. I will give the fullest liberty to every member of the House and I will calmly and patiently hear him. Only I beg of you to see that at the time when I stand up, you do not disturb me.

Now, it is the right of every member to call for a division. I do consider that after calling for a division, it is desirable that the division should be pressed; but in any system of government where party principle operates, every party is free to consider the exigency of the situation and decide whether they should continue the division or not. No party can force a division on another. In this case I did not hear Mr. Dutta calling for a division. But it is quite possible that I did not hear him although he might have called for it. The accoustics in this House are so bad that sometimes it is difficult for me even to catch the speakers in the front benches. In any case, the matter is closed.

Mr. SANTOSH KUMAR BASU: With regard to the word which has been used by Mr. Bari we are not going to put up with observations and remarks of that kind hurled across the floor of this House by members of the other side. I am not defending anybody but I am only drawing your attention to the fact that the word "trick" and such other words hurled across the floor of this House should not be allowed. I would respectfully ask you, Sir, to insist on the honourable member withdrawing the word "trick".

Mr. SPEAKER: First of all, at that time unfortunately both your side and the other side were responsible for creating a disturbance in the House for some time so that what actually happened at that time I could not hear or follow and I could not catch the actual words that passed between this side or that side of the House. Unless the member concerned says what term he has used actually, it is not possible for me to say whether it is an unparlimentary word or not. I will see the proceedings of to-day and I will bring the matter up if I find that any unparliamentary word has been used by any member here and, if so, I will ask him to withdraw it. I will see the proceedings later on.

Mr. FAZLUR RAHMAN: Sir, it is your duty to see that the time of the House is not wasted. Now, Sir, when the Opposition call for a division and later on they do not insist on it is it not sheer waste of time——

Mr. SPEAKER: So far as that question is concerned, the matter is closed. But I may say that if I am satisfied that a division is called in a frivolous manner, I shall certainly give an admonition. It is, however, very difficult for the Speaker to decide the point, because in any party system a party always considers its position as to whether it will be worthwhile to continue a division. I may say once again, as I said the other day, that members will kindly see that a division is not called for without consulting the Leader of the Party. An individual member should not call for a division of his own accord; only responsible members of a party, such as the Leader or the Whip, should call for it. Some sort of convention should be established that division should be called either by the Leader of a Party or its Whip. That will avoid to a great extent the difficulty that we are now experiencing. I think that some such convention is in existence everywhere, namely, that it is only the whip of a party who rises to call a division. I hope all parties will kindly note that in future, at least with a view to avoid the criticism to which it is open and which has been made on this occasion, members will kindly ask the Leader or the Whip of the Party to call for division.

(The House was then adjourned for 15 minutes.)

(After adjournment.)

The Bengal Medical (Amendment) Bill, 1937.

Maulvi TAMIZUDDIN KHAN: I beg to move that the Bengal Medical (Amendment) Bill, 1937, be referred to a Select Committee consisting of—

(1) The Hon'ble Minister in charge of the Department of Public Health and Local Self-Government,

(2) Dr. Mafizuddin Ahmed,

(3) Mr. Syed Abdul Majid,

(4) Khan Bahadur Maulvi Hashem Ali Khan,

(5) Mr. M. Shamsuddin Ahmed,

(6) Babu Premhari Barma,

(7) Dr. Suresh Chandra Banerjee,

(8) Dr. J. M. Das Gupta,

(9) Dr. Syed Md. Siddique, and

(10) the mover,

with instruction to submit their report by the 31st October, 1938, and that the quorum be fixed at five.

Sir, this Bill is of an unambitious character. It seeks to give relief to a small section of aggrieved people against whom a large volume of unmerited prejudice has grown up in the country. We all know, Sir, that under the existing circumstances medical practitioners have to get themselves registered. Now, this was not the case several years ago when all medical men could practise unhampered, but since the present practice has been in vogue there is a large number of medical practitioners who have not been able to register themselves and as such they are labouring under various disabilities. I do not say that all of them should be given facilities for registering themselves, because it is a patent fact that a large number of them are mere quacks and are not qualified to practise at all. But still there is a very large number of men who are well qualified, and who are efficient medical practitioners, but, still, circumstanced as they are, they cannot get themselves registered, and as such they are labouring under disabilities. My Bill is of a very limited scope. According to the Bengal Medical Act of 1914, students who passed out of recognised institutions can get themselves registered. If they get diplomas from those recognised institutions they can get themselves registered. But, Sir, before those institutions were recognised many students got themselves trained in them and secured diplomas. These students, under the Bengal Medical Act of 1914, cannot get themselves registered. Now, Sir, my Bill seeks to give relief to these people who passed out of those institutions before they were recognised by Government. I understand that the Medical Acts of several other provinces give this facility to the passed students of the institutions which were subsequently recognised by Government. I also hear—although I do not know how far my information is correct that in England too this is the practice. If that is so, I do not know why that privilege should not be given to those students. The very fact that an institution is recognised by Government shows that it is an efficient institution. Now, if an institution was recognised in the year 1930 all students who got themselves trained in that institution and got diplomas after 1930, come under the Act of 1914 and can get themselves registered, but those students who got their diplomas in 1929, are debarred from being registered. I hope, Sir, that those students should not be deprived of the privilege of getting themselves registered as medical practitioners. I have already said and I fully realise the danger of giving facilities to undesirable people for registration, but having regard to the limited scope of my Bill, there is no danger like that in it. The very fact that an institution is recognised by Government shows that it is an efficient institution and I think, therefore, that this facility should be extended to students who passed out of those institutions before they were recognised. After all, this is an invitation to be kind to a certain section of aggrieved people and I submit that we are not going to be unreasonably kind to them. They are not mere quacks, but qualified practitioners. They are practising and some of them are

quite efficient. I think, therefore, that there is no reason why any one should be opposed to the principle of my Bill. I hope, therefore, that it will be referred to a Select Committee as proposed by me.

Khan Sahib Maulvi SYED MUHAMMAD AFZAL: Sir, I rise to oppose the motion which has been moved by my friend, Mr. Tamizuddin Khan. I do not find any reason to support this motion or the amendment. Certainly there might be some members who would be tempted to support this motion, but I think if they go into the arguments which have been advanced by my friend, they will be convinced that there is nothing to support this motion.

Sir, my friend has said that there is a section of medical practitioners whose interests are being prejudiced as they are not getting themselves registered. It is also admitted by my friend that there are quacks who should not be registered, but I do not know what rule or procedure is there to distinguish a section of quacks from a section of efficient doctors. Both the sections—the quacks and the so-called efficient doctors—are the products of the same institutions which have got recognition. You know, Sir, that there are some institutions which, when first started, admitted students who were not up to the mark or were not quite fit. It is well known, Sir, that when a school is first started its sole object is to have a large number of students. I may cite an instance to the point, and I refer to the Calcutta Medical School which was started some years back. I know it for myself and there are others who will support me that this institution at the beginning admitted even non-Matrigs, with a view to increasing the number of students. It is no doubt a fact, Sir, that when a school is not fully equipped, Government do not generally recognise it, but when it is fully equipped, recognition is granted. So I do not find any reason why students, who had no requisite qualifications in general education and who were admitted solely with a view to increasing the roll number only of the institutions concerned, should be allowed to get themselves registered. We know, Sir, that if all these quacks are allowed to get their names registered, the ignorant villagers will greatly suffer thereby. You also know, Sir, that the certificates of registered doctors are recognised in courts. If these quacks are allowed to get their names registered, I am afraid, thereby there will be some miscarriage of justice. So I say, Sir, that these quacks or the students who came out of such institutions should not be permitted to get their names registered. It has been said that this policy exists in England also. I submit what is good for England may not be good for Bengal. In England, for instance, we find that when a member belonging to a particular political party leaves that party, he resigns his seat and seeks re-election but in Bengal it is not so. Here a member of a political party may, without any hesitation,

leave his party and join another party. So I submit that what is good for England is not good for Bengal. This may be good for England because 90 per cent. of the people of England is educated.

I suggest, therefore, that this motion should be opposed.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I regret to have to oppose this motion because one naturally feels a certain amount of sympathy for those doctors who would like to get the hall-mark of a certain distinction. Sir, the Bill is not so innocent as it looks, because it affects a large number of medical practitioners and nullifies in this very short clause the entire purpose of the Bengal Medical Act of 1914. In the first place, for this is a very minor matter, and I do not expect that the honourable member who is a layman would have been aware of it, there is no medical school recognised by the local Government. No medical school has, at any time, been recognised by the local Government; it has, in fact, been recognised by the Bengal Council of Medical Registration.

Now, Sir, the Act was passed in 1914, and the purpose of the Act was to protect the western medical science from disrepute which may arise from any want of training on the part of its votaries. This is an important matter when we come to consider the implications of the Bill of the honourable mover. Secondly, to enable the public to distinguish properly qualified men from men who are not so qualified, we have again to consider whether we are not, by giving the hall-mark of registration, bringing the general public into jeopardy. Thirdly, to protect the holders of authorised degrees from unfair competition, we must oppose this Bill in the interests of a body of persons who have spent a certain amount of money, time and labour in attaining certain qualifications.

Now, Sir, what happened after this Act of 1914 was passed? Everybody who was unregistered at that time was given an opportunity to qualify himself, and opportunity after opportunity was given to persons who has passed out to qualify by passing an examination of the State Medical Faculty. They were permitted to appear for the licentiateship examination within two years from the constitution of the Faculty, and then with the sanction of the Government of India the concession was extended till November, 1916. Many took advantage of it, many passed and many got themselves registered, but some failed. Those who failed in as many as two subjects were given a further opportunity to qualify and they were allowed to appear at examinations till 1919 without being required to receive further instructions in the subject or subjects in which they had failed. Now this was a considerable concession that was given to persons who had not qualified and had not come up to the proper standard. Then this examination was extended uptil November, 1919. Then the Government of Bengal,

with the approval of the Government of India, also permitted certain students who joined the Belgachia Medical School in 1917 and passed the final qualifying examination of that institution in 1917 to appear for the final examination for the licentiateship of the State Medical Faculty of Bengal, without being required to undergo any further training as contemplated in the Bengal Medical Act of 1914.

In cases of failure they were allowed further chances to appear at the examination of the Faculty up to the year 1924. Honourable members will see that for these students 7 more years were given from 1917 to 1924; if they failed to qualify within that time, is it fair to ask the public to accept and to ask the medical profession to accept these doctors as registrable doctors and to get them registered. Now, Sir, some of them may be good; some of them may be bad. Honourable members know that there is no limit placed on anybody practising the medical profession. Even compounders go about and have become doctors. Other persons who have no knowledge of the system of medicine which they profess to practise are permitted to practise to great detriment of the people. Now, Sir, the word "registration" implies only two things. There is no bar at the present moment to anybody practising, and if there is a doctor who is a good doctor, and who is able to cure people, he will get his fees and he will get his custom, whether he is registered or not, and there is no reason why you should put the hall-mark of registration upon a doctor who had not attained the proper standard. Registration, as I said, gives two facilities only. He may be permitted to write out certificates of health or of illness which will be considered by a court of law, and secondly, he may take service under a local body or under a body which is aided by Government. Now, even unregistered doctors may get such service provided the local bodies get the sanction of Government to engage them. So, so far as this is concerned, I do not think that if the men are really good and are really efficient there is any harm if they are not registered at all. If this Bill is passed, it will help only persons who are inefficient and who have not been able to pass the examinations of the State Medical Faculty and who are not qualified enough to get into the service of Local bodies and in bodies aided by Government.

Now, Sir, another class of persons whom the Bill also affects will be those persons who have passed out of a school before it was recognized, namely, the case of those institutions where persons have been subsequently recognized. There are only, Sir, about 3 schools of that type. There is the Calcutta Medical School which was recognized in 1925, the National Medical Institute in 1927 and the Bankura Medical School in 1927 also. There are schools, I suppose, in existence which are not yet recognized, and I fear very much that if this Bill is accepted, after a few years we shall get a similar Bill in order to qualify those who have passed out of other institutions which are not recognized at this stage.

Now, Sir, this proposal carries it condemnation with it. The fact that these schools were recognized in 1925 and 1927 implies that in those years they came up to the proper standard. It further implies that previous to those years they were not of the proper standard, and those who had passed out of these schools had not attained the proper medical training. Now, what the Bill proposes to do is this, that irrespective of the condition of that school at the time when they passed out, irrespective of the training which they received whether it was good, bad or indifferent, irrespective of the fact whether they received any training at all, provided they get a certain kind of certificate, the local Government should be approached for the purpose of registering these people. I submit, Sir, that these gentlemen have always had an opportunity to get themselves qualified by passing the exaimnation of the State Medical Faculty. If they have not done so, Sir, the presumption is against their having attained the proper standard, and I do not think, Sir, that we should either place the public in jeopardy by giving them a qualification which may lead the ordinary members of the public to think that they have attained the proper medical standard, or put the local bodies in jeopardy by also misleading them into thinking that they may engage persons who really have not attained proper qualifications, but whom we have registered by legislation. The Bengal Medical Registration Board was approached for their opinion, and they have emphatically given their views against it. I would ask the House to realize that they are the persons, namely, the doctors themselves who are in charge of maintaining the standard of qualifications which will be necessary for practising, they are the persons who are best able to tell us what class are to be registered, and what class are not to be registered. I think we should accept their suggestion which I find is based upon commonsense and justice.

Mr. SPEAKER: The question before the House is that the Bengal Medical (Amendment) Bill, 1937, be referred to a Select Committee consisting of—

(1) The Hon'ble Minister in charge of the Department of Public Health and Local Self-Government,

(2) Dr. Mafizuddin Ahmed,

(3) Mr. Syed Abdul Majid,

(4) Khan Bahadur Maulvi Hashem Ali Khan,

(5) Mr. M. Shamsuddin Ahmed,

(6) Babu Premhari Barma,

(7) Dr. Suresh Chandra Banerjee,

(8) Dr. J. M. Das Gupta,

(9) Mr. C. Millar,

(10) Dr. Syed Muhammad Siddique, and

(11) the mover,

with instruction to submit their report by the 31st October, 1938, and that the quorum be fixed at five.

The motion was then put and lost.

The Bengal Homeopathy Faculty Bill, 1937.

Mr. P. BANERJI: Sir, I beg to move that the Bengal Homeopathy Faculty Bill, 1937, be referred to a Select Committee consisting of—

(1) The Hon'ble Minister in charge of the Department of Public Health and Local Self-Government,

(2) Mr. Santosh Kumar Basu,

(3) Dr. Sharat Chandra Mukherji,

(4) Maulvi Tamizuddin Khan,

(5) Mr. M. Shamsuddin Ahmed,

(6) Maulvi Abdul Bari,

(7) Mr. Anukul Chandra Das,

(8) Mr. Syamaprasad Mookerjee,

(9) Dr. H. C. Mukherji,

(10) Mr. W. L. Armstrong,

(11) Mr. N. R. Norton,

(12) Mr. C. Griffiths,

(13) Mr. Syed Nausher Ali,

(14) Maulvi Abdul Latif Biswas, and

(15) the mover,

with instructions to submit their report by 31st October, 1938, and that the quorum be fixed at five.

Sir, in moving my motion I must refresh the memory of the members of this House that this Bill was introduced on the 16th of September 1937 when the late Minister, Mr. Nausher Ali, sent the Bill for circulation for eliciting public opinion by the 31st March 1938. I am now as well as the Hon'ble Minister is in possession of that opinion and also all the members of this House. After scanning the opinion we find that the opinion is entirely in favour of the Bill. Firstly, all the Homeopaths and Homeopathic institutions are unanimously in favour of the Bill. Secondly, all the Chambers—the Bengal Chamber of Commerce, the Muslim Chamber of Commerce, the Mahajan Shabha

—are all entirely in favour of the Bill except for a little suggestion by the Bengal Chamber of Commerce which I will explain presently. Then all the District Boards and the Municipalities except one are in favour of this Bill. All the District Magistrates except the Additional District Magistrate of 24-Parganas and one other District Magistrate of Chittagong, who has not expressed his opinion but said that he had nothing to suggest, are all in favour of this Bill. All the Commissioners also are in favour of this Bill. Now, after having all these opinions in favour of the Bill it is the business of the Minister in charge, whoever he might be in office to-day,—for instance even if Mr. Suhrawardy is there as a stop-gap,—it is his business to look into this, and I am surprised that inspite of all these opinions he has rather ventured to table a motion by way of amendment that the Bill be re-circulated for the purpose of eliciting further opinion by the 31st December 1938. Is it not, Sir, absolutely scandalous to suggest that the opinion to-day before us is not unanimous when there are only one or two solitary exceptions? What good will, therefore, be served by re-circulating the Bill? It appears that the Hon'ble Minister in charge has no idea of the state of affairs. He has neither the time nor the inclination to go into the opinions that have been given by responsible bodies like District Boards and Municipalities and by high officials like District Officers and Commissioners.

Now, Sir, as I was saying there was one District Officer, namely, the Additional District Magistrate of 24-Parganas who spoke not against the Bill itself but suggested that the passing of the Bill would involve a lot of expenses which Government should not bear but the faculty should be self-supporting. While, the Commissioner of the Rajshahi Division has reported that all the District Officers of his division considered the matter and that they are in general agreement with the provisions of this Bill, the District Magistrate of Rajshahi has also pointed out that there are three homeopathic dispensaries which are financed by the District Board and two by the Municipality, and many other District Boards and Municipalities also finance such institutions, being a popular system of treatment.

Sir, there is a misconception in the minds of many that this form of treatment is not so popular to the people but if I go into the details I can show that only about 14,000 registered practitioners follow the allopathic system of treatment, while there are about three lakhs of practitioners who follow the homeopathic form of treatment, and it is the latter who cater to the needs of the suffering humanity more than the allopathic practitioners. Now, Sir, I shall try to remove the misconception. Some District Officers have said that it has become popular only on account of the cheapness of homeopathic medicines, but in many cases both District Officers and Commissioners have said that the homeopathic system of treatment is popular not only because of

its cheapness but also because of its efficacy. We find that there are 200 hospitals for homeopathic treatment in the European countries, and I hold in my hand a picture drawn about these hospitals by no less a person than Sir John Weire, M.D., who practices the homeopathic form of treatment and is now the most renowned doctor in Europe. He was medical attendant not only to His late Majesty King George V but also to His Majesty the present King. In 1937 he wrote to Mr. Butler, Parliamentary Secretary for India in this way: "The health of the people is of the greatest importance to any country, and we are very anxious that patients should get the best possible help from physicians of any school. Supervision of education is exercised in Allopathic Schools and we homeopaths in this country are anxious that the study of homeopathy be raised as much as possible in India. In the absence of legislation against unqualified practice, many so-called physicians are practising homeopathy because big people find that they can get good results by following out the principles of homeopathy." Then, Sir, in another conference at Glasgow in the same year, a resolution was passed that the British Homeopathic Society establish and Indo-British Homeopathic Society in Calcutta in order to bring the Indian and the British Homeopaths more closely together for the purpose of greater collaboration amongst them. An invitation was also sent to the homeopaths of India by the International Homeopathic Congress held in Berlin in March 1937. The German Government has promised its friendly assistance to the Congress.

Now, Sir, here in India last year Mr. Ghiasuddin moved a resolution in the Central Assembly recommending the introduction of homeopathic treatment in Government hospitals and giving to the Homeopathic Institutions in India the same status and recognition as to Allopathic Colleges. Mr. Ghiasuddin said that the homeopathic system had advantage over allopathy in the matter of cheapness which was a great consideration in a country like India. Homeopathy, it was claimed, cured many diseases better than allopathy, and there was a genuine demand for it in the country. After a heated discussion, the motion was carried in the Central Legislature.

The density of population, the area of square miles and the money spent by Government for medical relief work in India as published in the census report clearly show that the amount spent is very inadequate. Homeopathy has made it possible to supplement this to a great extent and could render further useful services at a nominal cost if Government help were forthcoming.

Homeopathy has a special appeal to the people of India, who are proverbially poor—there has already been a great deal of public support for homeopathy, but unless the State recognises this as a proper system of medicine, the work is bound to fall into the hands of quacks.

Fortunately, the Indian States of Baroda, Travancore and Tripura have thrown over the age-long prejudices by according official recognition to homeopathy.

Now, Sir, the Bengal Government always pretend that they want to steal a march over the Congress provinces, but the Hon'ble Minister in charge might remember that in Bombay a Bill of like nature has already been introduced and another Bill is going to be introduced in Orissa. The Bill has been introduced and it will soon be passed into law. (The Hon'ble Mr. H. S. SUHRAWARDY: How do you know that?) After this Bill was introduced this Government at once said what was the use of a Bill and that Government were prepared to create a Faculty overnight by an executive order. Practically one year has elapsed since the time when the Government of Bengal in the Department of Local Self-Government called a conference of medical practitioners last year and promised to do it immediately and the object of the then Hon'ble Minister in charge of the department was to take a long time to ascertain public opinion by the 31st March, 1938, so that in the budget session I might not have an opportunity to further refer to this Bill. By that time—we were assured—the Faculty would be an established fact, but what has happened since? And the Government should be ashamed of taking so much time. The Hon'ble Minister at present in charge might try to shake off his responsibility and say that he has only recently stepped into the shoes of the then Minister Mr. Nausher Ali and therefore he could not do it earlier.

But he cannot say so for this reason that as soon as he came into office, it was his duty to go into the papers and find out in what position the thing stood. Sir, that being the case, it was up to the Hon'ble Minister at once to create the Faculty and not table a motion similar to what he has moved for taking time—it is nothing but a dilatory motion. I think the Hon'ble Minister has not cared to go through the opinions that I have pointed out, otherwise there would have been no necessity for tabling a motion of that nature. So if after all this, the Hon'ble Minister will think it prudent on his part and if he is prepared to do any good to the suffering humanity with the limited resources at his disposal—the resources, as I find, are something like Rs. 54,45,000 for medical purposes and say Rs. 34,00,000 for Public Health activities and with this, it is not possible to touch even the fringe of the problem of the suffering humanity as all the honourable members are aware how people in the countryside are suffering from various ailments from day to day he should at once stand up and support my motion so that this may be passed into law quickly. If I may anticipate the Hon'ble Minister, he will perhaps not move his motion or say that he will, like the Hon'ble Minister who did it last time, at once create another Faculty overnight. I would, however, ask him to consider that when Government cannot meet the needs of

the suffering humanity to-day and when this form of treatment has slowly, for whatever reasons it might be, become very widely known and popular and even eminent allopathic doctors from time immemorial have given up their allopathic form of treatment and taken to homeopathy and showed wonders in this line of treatment, it is in the fitness of things that the Hon'ble Minister without wasting any more time should accept my motion and see that the Faculty of Homeopathy is established at no distant date. With these words, Sir, I commend my motion to the acceptance of the House.

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I do not want to move my motion.

As regards the motion of Mr. Banerji, surely it is an important motion and all are interested in it and I expected that some members would take part in the debate. But it apparently seems that it is not a Bill in which many members of the House are interested. I hope that after the statement that I will make on behalf of the Government, the honourable member will be good enough to withdraw his Bill. I would not like this Bill to be defeated as it might create an impression that the House does not desire that a Homeopathic Faculty should be created. If this Bill is defeated, it may be so construed. The honourable member, I think, would be well-advised if he would withdraw it after certain assurances that I propose to give.

It seems that I am going to have a field day to-day. From the question time up to the end, I have taken up the time of the House. I was not prepared for it. I had hoped that other more lurid events would intervene which would keep up the interest of the House in matters outside the House, but neither privilege motions nor motions for adjournment have been moved and we have been left with the humdrum work of the House to carry on.

It is a matter for gratification to find that various kinds of medical practitioners are all trying their best to rehabilitate themselves and to raise their standards. We have had by an administrative order the Ayurvedic Faculty; we propose having the Homeopathic Faculty and we shall have in course of time a Unani Faculty and then other systems of Medicine like Bio-Chemic, Hydropathy, Psychopathy and things like that, as they come into prominence. In course of time, we shall have all these Faculties. It is all to the good to raise the standard of Medical Education and direct the attention of the practitioners themselves to the necessity of escaping from that pale of quackery with which they might be dubbed, if they do not have these Faculties established. The Art of Homeopathy and the Science of Homeopathy has now taken hold of the country and many of us are converts to it. Many patients go to it at first; when they do not find any relief, they go for Allopathy and if they do not find any relief there, they try

Kaviraji and Hakimi and lastly when they do not find any relief and are on the point of death, they come to Homeopathy again. Whether the blame is properly apportionable among the different systems of treatment is not clear, but poor Homeopathy comes in for the blame. I have known many doctors of eminence who have been able to treat their patients very satisfactorily by this Art. They were Allopathic doctors before and having learnt the various arteries and veins and the formation of the body and having acquired knowledge in Anatomy and Physiology, they are more successful than the ordinary Homeopathic practitioners. At the same time we have also gentlemen practising the Homeopathic Art who begin by purchasing certain books on Homeopathy. There are many such books which can be purchased at a very trifling cost. Some I think could be purchased at annas eight, although there are others which are worth Rs. 10, 12 or 20. These quacks also buy little boxes of medicines containing 20 or 30 phials, and reading up these books, they begin to practise the Art of Homeopathy, and they no doubt do a great deal of good. People approach them with a certain amount of faith and they go away healed. Nobody at this stage can say that Homeopathic treatment is not one of the healing Arts. It has been stated and stated to the credit of this system that it is a cheap system. In the days when we were young, it certainly was cheap, and we could get phials for two or three annas for theta 30, or 200 dilutions. But, now, I am afraid that the system is becoming so popular and Homeopathic doctors are now in such great demand that prices of Homeopathic medicines have gone up, while Allopathic medicines have to some extent come down in price. Now-a-days, you can get daily doses of Allopathic medicine for one anna, but if you are to buy a Homeopathic phial to-day it will cost you as much as six annas. We hope that one of the results of the establishment of a Homeopathic Faculty and the General Council will be that they will once more live up to their old reputation and decrease the price of the medicines and see to it that Homeopathy gets into favour again with the poorer section of the people.

Now, Sir, the honourable member has stated that my predecessor in office had made a promise on the floor of the House that he proposed to establish such a Faculty over-night by an administrative order, and that he has not done so, and therefore I should take the blame for it, because it would have been my duty, as soon as I took charge of this department, to look into the files and papers left by my predecessor, and take immediate action upon them. Sir, that is a thing which is unfortunately impossible. One must, however, give credit to the honourable member who was a little while ago Minister in charge of the Local Self-Government Department, that he did take steps which to-day enable the Government to create this Faculty by an administrative order. According to the saying, Sir, we must give the devil his due on every possible occasion. What the late Minister did was

that in September, 1937, he convened a conference of representative Homeopathic practitioners and he gave his time and attention to this matter and there was an understanding arrived at between him and the practitioners that he would create this Faculty and the General Council. The practitioners also asked Government to draw up a set of statutes, and the understanding was that this Faculty would not approach Government for any funds but that they would undertake to bear all their expenses themselves. With regard to the statutes, a small representative committee of Homeopathic practitioners was selected. Now, Sir, at present the position stands thus: I came across this file in the course of my wading through the numerous files left to me as a legacy, and I have taken action on the file and we hope that within a very short space of time the Faculty as well as the General Council will be brought into being by an administrative order. I may state here, Sir, one thing. Mr. Banerji has anticipated some of the statements which I was going to make and the assurance that I was going to give. I think, Sir, now-a-days it has become very dangerous for us to see honourable members privately in our office rooms. I gave Mr. Banerji the assurance that, so far as my motion for circulation of the Bill was concerned, I did not intend to move it. As a matter of fact, these dilatory motions are sent in automatically, so that we may examine the main motion and examine the position and make up our minds in the meantime whether we should move them or withdraw them or support the Bill. Although I gave him this assurance—and I think that the assurance of Government is of more value than putting this Bill through—the assurance that I proposed establishing a Council and a Medical Faculty by administrative order, and I requested him to withdraw this Bill, yet it seems that he still entertains some suspicion regarding my attitude and persists in moving this Bill. I think I may say that his own medical practitioners, namely, the persons on whose behalf he is pleading here, would not like him to press the motion and alienate the sympathy of Government. On the other hand it would be to their advantage if we could collaborate with each other and co-operate with each other, so that they could carry on their work with the sympathy and co-operation of Government. I think, therefore, that the honourable mover will be well-advised in the interests of the persons, whose cause he is advocating here, to withdraw the Bill and allow Government to establish the Faculty and the General Council and to draw up the Statutes, as they have requested us to do.

Mr. P. BANERJI: Is the sympathy of Government genuine?

The Hon'ble Mr. H. S. SUHRAWARDY: At any rate the sympathy of this Minister is always genuine.

Mr. SPEAKER: The question before the House is that the Bengal Homeopathy Faculty Bill, 1937, be referred to a Select Committee consisting of—

(1) The Hon'ble Minister in charge of the Department of Public Health and Local Self-Government,
(2) Mr. Santosh Kumar Basu,
(3) Dr. Sharat Chandra Mukherji,
(4) Maulvi Tamizuddin Khan,
(5) Mr. M. Shamsuddin Ahmed,
(6) Maulvi Abdul Bari,
(7) Mr. Anukul Chandra Das,
(8) Mr. Syamaprasad Mookerjee,
(9) Dr. H. C. Mukherji,
(10) Mr. W. L. Armstrong,
(11) Mr. N. R. Norton,
(12) Mr. C. Griffiths,
(13) Mr. Syed Nausher Ali,
(14) Maulvi Abdul Latif Biswas, and
(15) the mover,

with instructions to submit their report by 31st October, 1938, and that the quorum be fixed at five.

The motion was then put and lost.

Priority among ballotted resolutions.

Mr. JOGESH CHANDRA GUPTA: Mr. Speaker, Sir, we have just now got—and I think the circulation is still going on——

Mr. SPEAKER: That is finished; this is another matter.

Mr. JOGESH CHANDRA GUPTA: We have just now got a notice of a resolution which is to be taken out of its turn to-morrow. You are aware, Sir, that more than 90 members of this House signed a requisition wanting to take out of its turn resolution No. 215 standing in the name of Mr. Abdul Hakeem regarding the Public Service Commission—its functions and duties under section 267 of the Government of India Act. I understand that the requisition has been sent by you to the department concerned, and as there might be some misunderstanding, you have also ordered that a copy of that requisition be sent to the Finance Minister, because the Public Service Commission comes under

the portfolio of the Finance Minister. If there are more than two resolutions on which priority is claimed, according to the rules there has to be a ballot, and that special ballot will determine which of the two will be taken up first. Secondly, according to sub-clause 3 of rule 100 of the Rules and Standing Orders, the resolution cannot be discussed unless members have got at least 24 hours' notice. Therefore this resolution can be discussed to-morrow at about 8 o'clock only and not before. On the other hand, if the other resolutions also receive consent, we shall have to make a special panel. May I know, sir, what is the procedure that you propose to follow?

Mr. SPEAKER: So far as that is concerned, unless I have an intimation as to whether consent has been given to the other resolutions, it is very difficult for me to say what I propose to do. I shall decide the matter to-morrow. I may also state that notices for two special motions regarding the Burma incidents and Burma riots have also been given under section 102, and I have given my consent to them and sent them to the department concerned for their consent. I understand that this matter might be taken up to-morrow prior to the resolutions.

Mr. JOGESH CHANDRA GUPTA: My submission on that point again is, in view of the fact that on the non-official resolution day some of the Opposition members have drawn the first three resolutions, let it not be said that there was an attempt not to allow discussion on any of the first three resolutions which were drawn up by the members of the Opposition.

Mr. SPEAKER: At any rate, I am afraid, I cannot help it. I am helpless in the matter if the time is fixed for the special motions.

Adjournment.

The House was then adjourned till 4 p.m. on Wednesday, the 24th August, 1938, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Wednesday, the 24th August, 1938, at 4 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, ten Hon'ble Ministers and 226 members.

Postponement of questions.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, may I submit that the questions be held over either for to-morrow or the next session because the questions have been distributed only now, and some of them are being distributed even now. There are, as it appears, Sir, large number of questions. It is a very bad practice, Sir, which I did draw your attention to last session, to have all the questions collected on the last day when we do not have the opportuntiy of putting supplementary questions adequately. I therefore submit, Sir, that you would kindly give your ruling in accordance with the assurance that you gave last time that these questions be held over for to-morrow or the first day of the next session.

Mr. RAMIZUDDIN AHMED: We have not even as yet got the questions, Sir.

Mr. SPEAKER: I think it should have been done. I do not know why it has not been done.

Mr. JOGESH CHANDRA GUPTA: Since this has not been done, Mr. Speaker, let it be postponed till the first day of the next session, unless the Government allot to-morrow also.

Mr. SPEAKER: I would like to know whether the session will be extended to to-morrow.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, we have not come to a decision yet. It all depends on how the business of the House goes to-day, and if we find that it is not possible to dispose of business to-day, then it may be extended to to-morrow. But I would like to

point, Sir, that it is not everywhere the practice and it is not the parliamentary practice that answers should be laid on the table beforehand.

Mr. SPEAKER: Under our rules it has got to be done.

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir, under our rules we have got to do it here.

Rai HARENDRA NATH CHAUDHURI: Commonsense should rise superior to rules, Sir.

Mr. JOGESH CHANDRA GUPTA: Sir, there is one point which arises out of the statement made by the Home Minister, and it is this, that they do not yet know whether to-morrow will be allotted as an additional day. It has been very inconvenient to the members of this House, because we have not been told in proper time as to how long the session will continue and what business will be allotted on each day. You know, Sir, we have not had sufficient time and notice regarding the day allotted for resolutions nor sufficient notice regarding the day allotted for taking up non-official Bills. This, to say the least, is very unfair to the members of this House. Not only we do not know how long we should have to arrange our business to attend this House, but also we cannot send in amendments and motions and cannot do other necessary works incidental to the business of the House. Even the Hon'ble the Home Minister is not able to say whether the House is going to sit to-morrow. This, I submit, is certainly not fair to the members of this House, and I do hope as the Speaker and custodian of the rights of the members of this House, you will not allow Government to be so arbitrary and to be so much unconcerned with regard to the convenience of the other members of the House.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, the Chief Minister authorizes me to say that Government are prepared to allot to-morrow for non-official resolutions as well.

Mr. SPEAKER: I think that settles the matter. Is it still desired that the questions should be taken up to-morrow?

The Hon'ble Khwaja Sir NAZIMUDDIN: Some of these questions may be taken up to-day, Sir.

Mr. SPEAKER: My difficulty is that under the rules members are entitled to have questions half an hour before, and it may be that unless that is done, they are not able to put supplementary questions.

So, what I propose to do is that the questions will be taken as answered to-day, and supplementary questions will be allowed to-morrow, so that these questions need not be read over again to-morrow.

There is just one matter. As we are not taking up questions to-day, the Hon'ble the Home Minister wants to make a statement with reference to certain questions which have been tabled about detenus. He can make a statement if he likes.

Mr. JOGESH CHANDRA GUPTA: Mr. Speaker, Sir, here again I beg to point out that according to the Rules and Standing Orders, only business of the class that is allotted on the day can be taken up. To-day is the day allotted for taking up non-official resolutions. If the Hon'ble Minister wants to make any statement, instead of taking up the time of the House allotted for non-official resolutions, he may do so at the end of the day. He should have made this statement on a day allotted for official business. I object and zealously want you, Mr. Speaker, to grant us all the time available for the discussion of the non-official resolutions.

Mr. SPEAKER: I have allowed full facilities saving one hour. I do not think there can be any objection, as it arises out of questions and there are several questions on this point from both sides. So, I will ask the Hon'ble the Home Minister to make a statement.

Babu NAGENDRA NATH SEN: On this side of the House we have not got any question, Sir.

Statement Regarding Release of Detenus.

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir, there is a question of Mr. Birendra Nath Mazumdar.

Sir, when this Ministry came into power in April, 1937, they found that there were some 2 700 persons subject to orders of restraint in one form or another under the Bengal Criminal Law Amendment Act of 1930 or Regulation III of 1818. Of these, nearly 1,000 were in jails or camps; about 850 in village domicile, and 200 in home domicile. A little over a year ago, on the 9th of August, 1937, it was announced in this House that the policy of Government was to release the detenus as rapidly as possible consistent with public safety. This policy has been followed systematically and consistently so that to-day I am in the happy position of being able to tell the House that the process has been completed. Orders for the release of the last few persons who remained under detention or in domicile have been issued

and from to-day there are no detenus or State prisoners in Bengal. (Hear, hear from the Coalition Benches.) This has been rendered possible by an improvement in the situation as regards terrorism which we trust and are entitled to hope will be maintained. We, Sir, have done our part, but we shall remain vigilant. I commend it in the strongest terms to all who have the power to influence by the spoken or written word the people of this province that they see to it that our trust has not been misplaced.

Mr. SPEAKER: We will take up now the non-official resolutions. I might say at this stage that there is one resolution of which consent has been received, but it cannot be taken up before 7-50.

Duration of Sitting.

Dr. NALINAKSHA SANYAL: May I enquire, Sir, whether you will follow the usual hours for sitting of the House as you have been following and close at 8 o'clock?

Mr. SPEAKER: What I propose is that it will be taken at 7-50 p.m., will be moved formally and we will close at 8 o'clock and take up the matter again to-morrow.

Dr. NALINAKSHA SANYAL: Am I to understand, Sir, that you are henceforth going to follow the practice of closing at 8 o'clock even on days when we meet at 4 p.m.? Because we have pressed in the past for more hours, and you had been so far pleased to allot up till 7-30 p.m. only on those days when we met at 4. It appears that in this particular case you are making a deviation, and I submit, Sir, that in future also you will kindly follow the same practice.

Mr. SPEAKER: That is entirely my discretion. I am not going to give any assurance.

The Hon'ble Mr. H. S. SUHRAWARDY: On a point of order, Sir. Yesterday I got notice of an adjournment motion which Mr. Niharendu Dutta Mazumdar wanted to move. Is it going to be moved, Sir?

Mr. SPEAKER: If nobody moves it, it is not our business to see that it is moved. (Laughter.)

The Hon'ble Mr. H. S. SUHRAWARDY: It is a great pity!

Adjournment Motion.

Mr. ATUL CHANDRA KUMAR: Sir, may I have your permission to move an adjournment motion? I have got your consent, Sir.

Mr. SPEAKER: What is it about? Please read it.

Mr. ATUL CHANDRA KUMAR: My motion runs thus: "This Assembly do adjourn to discuss a definite matter of urgent public importance of recent occurrence, namely, Government's negligence in taking proper steps to relieve the distress, caused by the recent floods in the district of Malda, owing to which six poor men of the flood-stricken villages of the said district, have recently succumbed due to continued starvation.

Mr. SPEAKER: When did these people die?

Mr. ATUL CHANDRA KUMAR: I got information in writting only——

Mr. SPEAKER: When did the actual occurrence take place? When did the people die?

Mr. ATUL CHANDRA KUMAR: The people died only three or four days ago.

Mr. SPEAKER: You are not definite about it.

Mr. ATUL CHANDRA KUMAR: Sir, all the people did not die on the same day. I have got a report from the district that the people died three or four days before from the date of my giving notice but I am sorry I cannot tell you the exact date. The only definite information that I am in a position to give is that the people died of starvation on account of the recent floods and that all of them died very recently.

Mr. SPEAKER: Sir Bijoy, is it your portfolio?

The Hon'ble Sir BIJOY PRASAD SINCH ROY: Sir, so far as the general situation is concerned, Government have no objection to a discussion. But with regard to the particular allegations made by the honourable member, namely, that there were several deaths due to starvation, Government have no information. So, I am not in a position to reply one way or the other with regard to those allegations.

Mr. ATUL CHANDRA KUMAR: Sir, my motion not only seeks to draw the attention of Government to the death of six persons, but also wants to impress upon the Government that steps should be taken so that such cases may not recur. It also requests Government to relieve the distress caused by the recent floods owing to which six people of the said district have recently succumbed and also draws the attention of Government to the danger of more persons succumbing if proper action is not taken.

Mr SPEAKER: I am afraid, I must hold that this motion is not in order.

Dr. SURESH CHANDRA BANERJEE: Mr. Speaker, আমার একটা adjournment motion ছিল, আমাকে আজ সেটা move করবার অনুমতি দেবেন কি ?

Mr. SPEAKER: It was knocked off on the very first day. It is now too late.

The Hon'ble Sir BIJOY PRASAD SINCH ROY: Is it your ruling, Sir, that the motion of Mr. Atul Chandra Kumar is not in order? I may submit that Government do not object to its being discussed.

Mr. SASANKA SEKHAR SANYAL: May I make a submission, Sir, on this proposed adjournment motion?

Mr. SPEAKER: No. I have already decided that this motion is not in order. Mr. Abdur Rahman Siddiqi's special motion will now be taken up.

SPECIAL MOTION.

A point of order.

Dr. NALINAKSHA SANYAL: Mr. Speaker, Sir, may I rise on a point of order? If my esteemed friend Mr. Abdur Rahman Siddiqi rises, as I apprehend he will, to move a special motion, I have to submit, Sir, that the rules of the House do not permit it to be taken now at this stage. The rule for special motions, namely, section 102 of the Rules and Standing Orders, does not specifically provide for any time or any machinery for precedence of special motions. It only in a negative form makes provision for some emergency matters that may be taken up in the House beyond those specifically provided for in the other sections, and I submit that, following the general principle of

law, where specific mention has been made and specific rule has been provided for about precedence nothing which is left unsaid in the rules can be taken up before matters specifically provided under those rules considered. I have seen, Sir, a notification purported to be a notice under section 16 of the Rules by virtue of which it is said that the Governor has allotted a day, *i.e.*, to-day, for discussion of this special motion, and in that notice, Sir, we are also informed that precedence of that motion over other motions has been given by the Governor. I submit, Sir, that here "Governor" means "Government," and rule 16 as quoted does not empower the Governor to give precedence to a particular motion as decided upon. In that rule provision has only been made for a particular "class of business" to be taken up in precedence over other "classes of businesses." I submit, Sir, that this is a resolution and a private member's resolution. This is a day for discussion of non-official resolutions, and the resolution proposed to be moved by Mr. Abdur Rahman Siddiqi comes under the same category or "class of business." Therefore, Sir, there is no question about precedence of this motion over other motions for which due notice has been given. I submit that even if Government of the day have erred and done something which is contrary to the rules, it is for you, Sir, as Speaker of the House, to see that those rules are complied with specifically and correctly and, in particular, with regard to the class of business that we are going to take up to-day. We do not have many days for non-official business, and we have very many important resolutions. I submit, Sir, that the motion proposed to be moved is not of such a character as cannot wait for one more day since we are discussing resolutions also to-morrow. I therefore request you, Sir, to rule that the precedence allowed to this resolution has not been in accordance with the rules and that consequently we should proceed with the order paper as it is printed.

Mr. SPEAKER: Then what is your suggestion?

Mr. NALINAKSHA SANYAL: What I mean is that the precedence given to this motion is not in order.

Mr. SPEAKER: Then do you want that this motion should be taken up to-morrow?

Dr. NALINAKSHA SANYAL: It will be taken up according to the rules. It cannot come up to-morrow, or it may come up, but it is not for me to find out the rules. If the member interested is keen about it, it may be taken up to-morrow. I am not going to say anything more about it. It may be taken up as there is a provision in the rules.

Mr. SPEAKER: Under what rule?

Rai HARENDRA NATH CHAUDHURI: Under section 100. Otherwise, there is no provision in the rules.

Mr. SPEAKER: Without making a final decision on the point raised by Dr. Nalinaksha Sanyal which requires very careful consideration, I do not say for the time being that the point is free from difficulty and I propose to give my considered view, if necessary, later and after finding out the implications of this point. For the time being, I do not decide the point finally but merely hold that the motion is in order. Mr. Abdur Rahman Siddiqi will move the motion now, but I hope much time will not be taken up.

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir. How can the motion be moved if it is not in order? Under which rules can he move it? Unless it is decided that it is in order, how can it be moved?

Mr. SPEAKER: I have not decided the point finally. But tentatively I hold that it is in order under section 102 read with rule 17.

Dr. NALINAKSHA SANYAL: I submit that you do kindly consider the question during the prayer interval, and if it is found to be in order, this can be taken up immediately after that.

There is another point of order and that is with regard to the second part of the resolution. The second part of the resolution relates to a matter in which the Governor-General and the Governor alone can in their own individual judgment take decision. I submit that if previous sanction or consent of the Governor has not been obtained to that part, this motion cannot be moved.

Mr. SPEAKER: Which part?

Dr. NALINAKSHA SANYAL: The part relating to repatriation, payment of damage and negotiation with the Burma Government. The Burma Government being a foreign Government, no resolution relating to that Government can be discussed under the rules of this House unless the previous sanction of the Governor is obtained. I draw your attention to section 92 of the Rules and Standing Orders, where it is stated —"No resolution shall be moved, save with the consent of the Governor acting in his discretion, in regard to the following subject, namely:—

Any matter connected with the relations between His Majesty or the Governor-General and any foreign State or Prince."

The Hon'ble Nawab MUSHARRUFF HOSAIN, Khan Bahadur: May I make a personal appeal to the House? Here Mr. Siddiqi is trying to discuss a question relating to the life and property of many of your people living outside Bengal and you raise a point of law in a matter like this. Is it right and proper? What will the people outside Bengal think of you?

Mr. SPEAKER: I have very carefully considered this aspect of the question which has been raised by Dr. Sanyal. His first point I have disposed of by saying that without making a precedent I hold for the time being that this motion can be discussed in the House.

As regards the law point as to whether it is within the competency of this Legislature to discuss this motion without taking the special sanction of the Governor, as contemplated under the rules, I do not find, so far as the language of the draft is concerned, that there is anything in the nature of a discussion of a matter which requires special sanction of the Governor and that is why I feel that whatever might be the actual facts as to the conditions in Burma, it is certainly the right of this Legislature and this Government to consider the problems of the refugees who have landed in Calcutta and Chittagong. I do feel that so far as the necessary steps to be taken for the purpose of repatriation or transportation or giving refuge or other matters are concerned, they do come within the purview of the competency of this Legislature and this Government.

The second point is whether as a provincial Government and as part of the wider India, this Government has a right at least to request the Government of India to take certain steps in this matter. If this House gives a decision one way or the other, I think it is the legitimate duty of Government to express the wish of the people even in a matter which lies outside the jurisdiction of Government, and to ask the Government of India in the form of a request to take certain steps in the matter. This form is not only permissible but I hold that it is a legitimate form, though strictly the authority of taking decision is not within the competency of this House. The motion is merely to request the Central Government to take certain action in a certain matter. It is nothing more than a request to the Government of India to protect the life and property of Indian nationals. I believe there would be no two opinions in this House on this matter. I do not know what Dr. Sanyal will say so far as the life and property of Indian nationals which include Bengalees are concerned; incidentally I have been told that there are a good number of Bengalees in Burma. If I hold that this Legislature is not competent to discuss questions affecting the life and property of Bengalees outside Bengal, it would be a dangerous precedent. I consider that not only the life and property of Bengalees within the province; but the life and property of Bengalees

outside the province also are the concern of this House so long as we do it in the form of a request to the Government of India, even though the authority to act or not to act may not lie within the purview of this House.

The further request is for the appointment of a Royal Commission: a motion to that effect, I believe, was tabled by Dr. Sanyal himself sometime ago about the Government of India Act. If it is permissible to discuss a matter for changing the Act itself which is not within our competency, I do not understand, for the time being, how a resolution asking the Government of India or the Secretary of State or for the matter of that any other authority to appoint a Royal Commission can be out of order. So, for the time being, I hold that this motion is in order and it is fully within the competency of this Legislature, unless the Governor who must have received a notice of this, would have vetoed it.

Dr. NALINAKSHA SANYAL: Sir, I must express my grateful thanks for the ruling that you have just given. I was also anxious to get this ruling from you. In view of the fact that in reference to that particular Government of India Act amendment resolution proposed by me, you had exercised certain discretion about taking out certain portion of it, I submit, that no one is more anxious than myself to get more power secured to this House. I hope you will give us more such light in future.

Recent Disturbances and Sufferings of Indians in Burma.

Mr. ABDUR RAHMAN SIDDIQI: Sir, I beg to move that in view of the fact that Indians, including men from this province have suffered considerable hardships in the recent disturbances in Burma and the fact that refugees fleeing from the terror there have been arriving in the ports of Chittagong and Calcutta, in large numbers, this House urges upon the Government to take immediate and effective steps to give them asylum and, in consultation with the Government of India, to make arrangements for their transportation to their respective homes in the province and in other parts of India.

This House is, further, of the opinion that the Government be pleased to request the Government of India to obtain assurances from the Government of Burma that the fullest protection of life and property shall be guaranteed to Indian Nationals, living in that country in the future and that the Government of India be requested to approach His Majesty's Government in the United Kingdom to appoint without delay a Royal Commission of Inquiry into the causes of the disturbances, to assess the damage done to the life and property of Indian Nationals and to prepare a satisfactory and adequate scheme of reparations suffered by them.

Sir, I am not a great authority either on the Government of India or on the Rules and Standing Orders of the House and, therefore, I did not go into the details of the technique required for the presentation of this Resolution which came to the mind of the honorable and learned Doctor opposite. My object has been practically gained and his objection to my proposing this Special Resolution, removed entirely when in the earlier part of his first point of order he used the phrases "a question of emergency". I tried, as you know, Sir, to move an adjournment of the House on this matter but experts again threw the thing back, on the ground that, being a member of the Ministrialist party, it would not be proper on my part to move the adjournment of the House. The second best alternative was by way of a Special Resolution: you know, Sir, that the motion has ben in your hands for some time now, while the consent took some time in coming. Large bodies of refugees have in the meanwhile been coming in steamer after steamer not only to Calcutta but also to Chittagong. The massacre in Burma has been of a terrible character: over a thousand Indians have been cut to pieces in Rangoon alone. Burma outside Rangoon is called "jungle" in local slang—no news has come from the jungle regarding the many Indians residing all over Burma to-day. We do not know whether they are alive or dead. If the honorable gentleman, who raised these many points of order and kept us away from the actual subject matter of the Resolution for quite a considerable number of minutes, had attended the meetings in which the representatives from Burma gave us the harrowing details of the terror, the tale of woe and desolation to which our Indian sisters and brothers have been subjected, I am sure, Sir, even his advanced knowledge of the legality or illegality of the proceedings in this House would have induced him to keep quiet on a matter which has shocked the mind of India.

Dr. NALINAKSHA SANYAL: I have every sympathy with the Resolution.

Mr. ABDUR RAHMAN SIDDIQUI: The Burma massacre raises points which at once lead one to question the fundamental basis of our position in and relationship with the British Empire. The rights of Indians inside and outside India, particularly in the different parts of the British Empire, must be guaranteed; they must be safeguarded and protected. The Government of Burma may have gone mad, the Government of Burma may have lost its nerve, it may even have connived at the terrible happenings there but I hold, Sir, that it was the duty of His Majesty's Government in the United Kingdom to have told the Government of Burma to stop the horror. So far as my information goes—of course it is through private sources—it is that the massacre of stragglers in the districts is going on even to-day. All sources of

reliable and correct information are blocked at a time when every Indian heart is in agony and wants to know what is happening in Burma and what steps are being taken by our rulers here to compel the Government in Burma to accord to Indians normal protection every civilized Government is expected to give to foreigners residing within its territories.

The conditions in hapless Burma being what they are and particularly when refuges flying from the terror are entering the territory of Bengal in such a pitiable condition, it is our duty to help them as best as we can. The Mussalmans of Calcutta have collected a fund out of which they have been housing and feeding these refugees. My information is that Chittagong Mussalmans also have done their best to render service to refugees arriving in that port, but the problem is how to send these poor penniless refugees to their homes and how to find the money for their railway fares. My object in requesting the Government was to induce the Honorable Minister-in-charge to get into touch with the Central Government and if possible to get free tickets for these people. The other request that I have made in the Resolution is that if the Government have any funds at their disposal, I hope the Honorable the Chief Minister and his colleagues will try and give these helpless people asylum and arrange to feed them. Sir, I go further and hope the Cabinet in this province will justify itself by forcing—not requesting but by forcing—the Government of India to take immediate action in regard to the latter part of the Resolution. I am informed that the Government of India after the separation of Burma, cannot get into direct touch with the Government of that country. That is why I had to bring in far off London, to suggest that the Government of India, through His Majesty's Principal Secretary of State for India, who is also the Secretary of State for Burma, do take action and see that Indians are not harassed and that we get the same rights in Burma as all other members of the British Empire, or for the matter of that the nationals of any other country or even civilized human beings. Sir, the Government of Burma cannot be forgiven for the indifference, for the incapacity, for the absolute lack and bankruptcy of statesmanship in behaving as they have done towards the Indians. If the Indian is clever, if the Indian controls a portion of the business in Burma, he cannot be removed by means of a massacre. It would push back the chances of Burma in the scales of civilization and humanitarianism if such inhuman methods of the extermination of business rivals were allowed in the Year of Grace 1938. It will be bad politics and worse economics for Burma to antagonise India. It will be graceful on her part to admit the mistake and repair the damage done. Sir, I could go on speaking to this Resolution indefinitely, but I hope that the House will support this motion with one voice. I am anxious that we should not treat a matter of this character on a party basis and, therefore, I shall appeal to the keen

and acute legal minds on the side opposite to forget points of order and to see that unitedly we rise to help our brothers and sisters who have come amongst us fleeing from a terrible massacre. Sir, I have received letters from my Muslim and Hindu friends in Rangoon, asking if I could help to find them jobs, of even Rs. 40, or Rs. 50, a month, so that they break up their homes in Burma and come back and settle in India. One of these friends is a leading accountant in Rangoon, a Hindu gentleman, who has written a pathetic letter to me, and who says that, although he possesses a London Degree, yet he cannot now continue in Burma, because life for an Indian there has become a positive hell. With these words I commend my Resolution to Honorable Members on both sides of the House. I hope they will accept it.

Khan Bahadur JALALUDDIN AHMAD: Sir, coming as I do from Chittagong, I cannot give a silent support to the motion so ably moved by my friend Mr. Abdur Rahman Siddiqi. As Chittagong people are most seriously affected I really do congratulate my friend on the efforts that he has made to get the consent of the Hon'ble the Home Minister and the Chief Minister to move his motion. Messages have been received, Sir, from my Chittagong friends on the subject and people have come to me narrating their woes and sufferings, the ruthless robberies committed and the way in which their houses have been desolated and mosques desecrated. They are really such as nobody can tolerate. It is our misfortune, Sir, that we are now in autonomous provinces and therefore it is not open to us to criticise the administration of one province from another province, but I do feel, Sir, that the Government of India still have control over other provinces. Messages have certainly reached the Central Government, and by this time that Government must have been aware of these facts. I shudder to think that the Central Government are still sitting quiet over these affairs in Burma. On these grounds I fully support with all the emphasis that I can command the Resolution so ably moved by my friend Mr. Siddiqi. And I also beseech the Chief Minister and also the Home Minister to try to do as much as they can help to repatriate the Indians and settle them and to try to get reparation for the damages committed. Of course, Sir, I do not like to assess the blame or negligence of the Burma Police, but anyhow the incidents are so manifestly outrageous that no civilized Government can tolerate in the way the Burma Administration have tolerated the sufferings of these people.

Mr. SARAT CHANDRA BOSE: Mr. Speaker, Sir, it gives me very great pleasure to support this Resolution on behalf of myself and on behalf of my party. Our Indian nationals who have served Burma for scores of years have unfortunately suffered and our hearts go out in sympathy for them. They are bone of our bone and flesh of our

flesh and we would be less than human if we did not bring forward before this Assembly our message of sympathy and if we did not request the Government to take steps to alleviate the terrible sufferings they have undergone. Sir, I accept the spirit underlying this Resolution, though I must confess that I am not at all enamoured of the second part of it. I am not enamoured of the second part, because I feel that this request to appoint a Royal Commission of Inquiry will delay the matter unnecessarily. You were pleased, Mr. Speaker, to consent to the circulation yesterday of a copy of another Resolution on the same subject which stated that this House recommends to the Government of Bengal to make earnest representations to His Excellency the Viceroy and the Government of India and through them to the Government of Burma to take proper steps for making compensation to and relieving the sufferings of injured Indians specially Bengalees and for preventing this sort of mob-violence in future after holding a thorough enquiry into the matter by a impartial committee composed of officials and non-officials taken both from the Burman and the Indian communities and if possible with a representative of the Government of India. Dr. Sanaullah sponsored that Resolution, and personally, I should have thought that that was a more expeditious way of dealing with the matter than requesting the Government of India to request His Majesty's Government in the United Kingdom to appoint a Royal Commission. Be that as it may, I accept the spirit underlying the resolution and the attempt that is being made to relieve human sufferings, though it might be somewhat delayed if a Royal Commission of Inquiry is appointed. I would have preferred very much the appointment of a Committee consisting of Burmans and Indians to deal with this matter, to make compensation for sufferings and to take steps that such violent acts might not recur in future.

On behalf of the party which I represent, I accept the motion which has been moved by Mr. Siddiqi.

Mr. Shah SYED COLAM SARWAR HOSAINI: মিঃ আব্দুর রহমান সিদ্দিকি সাহেব যে প্রস্তাব বঙ্গীয় ব্যবস্থাপক সভায় উপস্থিত কোরেছেন মিঃ সিদ্দিকি সাহেবের সেই প্রস্তাব সুধু বাংলার নয় আজ সারা ভারতের অধিকাংশ জনসাধারণের মনে এটা দেখা দিয়েছে। সুধু বাঙ্গালীর নয় সমস্ত ভারতবাসীর প্রাণে আজ আঘাত লেগেছে। ব্রহ্মদেশে ভারতবাসীর উপর, বাঙ্গালীর উপর, বিশেষ কোরে মুসলমান সম্প্রদায়ের উপর যে অত্যাচার আজ চোলেছে এবং মুসলমানের ধর্ম্মের উপর, তার মসজিদের উপর, যেরূপ অত্যাচার চোলেছে, তাতে আজ পর্য্যন্ত আমি সংবাদ সংগ্রহ কোরে জানতে পেরেছি যে ১৫০টা মসজিদ বর্ম্মিসরা ধূলিসাৎ কোরেছে। এর মধ্যে খবর এসেছে যে চট্টগ্রামের বিখ্যাত কবি জহুরে আলম এই বর্ম্মিসদের অত্যাচারে, তাদের নৃশংস প্রবৃত্তির দরুণ সেখানে নিজের জীবন ত্যাগ কোরেছেন। মিঃ সিদ্দিকি এই প্রস্তাব যখন উপস্থিত কোরতে প্রয়াস পাচ্ছিলেন তখন কংগ্রেসি বেঞ্চ হোতে মিঃ নরিনাক্ষ সান্যাল বার বার উঠে বাধা দেবার দরুণ আমাদের মনে আঘাত লেগেছে। আমরা অত্যন্ত দুঃখিত হয়েছি। যারা বহুবার মুলতুবী প্রস্তাব উপস্থিত কোরে চটকলের শ্রমিকদের দুঃখ দুর্দ্দশা দূর করবার জন্য বার বার কোরে মানবতার নামে, মনুষ্যত্বের নামে——

Mr. SPEAKER: Mr. Hosaini, I would beg of you at least to keep this discussion free from flings and aspersions on any individual member on an occasion like this. This is a very important matter, and the proceedings of this debate will go abroad. It will go to a much wider circle than perhaps you are aware of. I would therefore beg you and all other speakers, in the name of this province, to see that the debate on this particular matter is conducted in a manner which is in consonance with the solemnity and dignity with which it has been sponsored by Mr. Siddiqi.

Mr. Shah SYED GOLAM SARWAR HOSAINI: Sir, Mr. সিদ্দিকির এই প্রস্তাবের প্রতি আমাদের সকলের পূর্ণ সহানুভূতি হওয়া দরকার এবং আমরা এই এসেম্ব্লিতে সেই সহানুভূতি প্রকাশ কোরছি। বর্ম্মিসগণ ব্রহ্মদেশে মুসলমানদের উপর যেরূপ অত্যাচার আজ কোরছে তা দেখে আমাদের স্পেনের সেই অত্যাচারের কথা মনে পড়ছে। স্পেনে এক সময় মুসলমানদের প্রতি, তাদের ধর্ম্ম, মস্‌জিদ এবং সভ্যতার প্রতি যে রকম অত্যাচার চোলেছিলো, আজ ব্রহ্মদেশের এই অত্যাচারের তার সঙ্গে তুলনা চলে। তাই আমরা মিঃ সিদ্দিকির প্রস্তাব সমর্থন কোরে গভর্ণমেন্টকে অনুরোধ কোরছি—যাতে বর্ম্মিসরা ভারতীয়দের প্রতি, [illegible] প্রতি সেইভাবে তাঁরা যেন ভারত গভর্ণমেন্ট এবং বৃটিশ গভর্ণমেন্টকে হস্তক্ষেপ করার জন্য অনুরোধ করেন।

Maulvi TAMIZUDDIN KHAN: Mr. Speaker, Sir, I rise to give my whole-hearted support to this resolution.

Sir, I think that the whole House is unanimous on this resolution, and therefore it is useless for me to speak at all. The very fact that a member of my party also tabled a similar resolution shows that both sides of the House are thinking alike on this matter.

With these words, Sir, I support the resolution.

Mr. SPEAKER: As there are several speakers, I hope members will be very short in their speeches, and will not take more than two or three minutes each.

Khan Bahadur Maulvi FAZLUL QUADIR: Mr. Speaker, Sir I desire to say a few words in support of this resolution particularly as I belong to Chittagong which is the most affected part of India so far as the Burma riot is concerned. I submit, Sir, it was the Chittagong people who by trade, commerce and other business in Burma have helped that country in increasing its wealth and prosperity. But, Sir, we have been alarmed with news that these very people have been massacred indiscriminately by mob violence in Rangoon and in the interior of Burma and their properties and business have all been ruined. I have seen with horror several of the reports which have come to our hands and I went personally the other day to see the repatriated refugees at the Musafir Khana were the Khilafat Committee has given them food and shelter. Mr. Suhrawardy is to be congratulated for taking every care of these poor refugees. In that Musafir

Khana I found not Mussalmans alone but Hindus, Sikhs and men of other communities who belong to Bengal and also to some other provinces in India. These people should immediately be sent to their homes but for this they require a free passage and also some money for their fooding charges and other expenses. I think each of them will require Rs. 4 or 5, and I recommend to Government to provide these unfortunate people with this small sum.

With these words, Sir, I whole-heartedly support the entire resolution of my friend Mr. Siddiqi.

Mr. M. SHAMSUDDIN AHMED: Sir, on behalf of my party I accept the motion which has been moved by my friend Mr. Siddiqi. Just after the separation of Burma it is really very strange to us that such an inhuman occurrence should take place in Burma. Sir, I think no words from me are necessary at the present moment to commend this resolution or to support it. We all have learnt from newspapers that horrible atrocities have been perpetrated on Indians in Burma, and we are sorry that such occurrences have taken place.

Sir, so far as the Royal Commission is concerned, we hope that His Majesty's Government will move a bit faster so that a speedier relief may be given to the sufferers repatriated from Burma.

Mr. JOGESH CHANDRA GUPTA: I move that the question be now put.

(Several members stood up to speak).

Mr. SPEAKER: Now that the closure motion has been put, what I propose to do is to try to close this matter by 5 o'clock. I would first give an opportunity to Sir Nazimuddin to speak for 5 minutes and then I shall give two or three minutes to some of the other members.

Mr. M. A. H. ISPAHANI: Sir, I whole-heartedly associate myself with the resolution moved by my friend Mr. Siddiqi. From the reports that have been coming from Rangoon I feel that Indian life is not safe in Burma, because Indians are being killed for the fault of being Indians. Sir, I have it on authority that about 150 mosques have either been desecrated, razed to the ground or partially destroyed. What I am particularly sorry to inform the House about is the fact that the Police have not helped the Indians nor was medical aid given to them. Sir, before I resume seat I must express my gratitude to the Shipping Companies for their kindness and generosity in providing free passages for the refugees.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, Government, as soon as they came to know about the Burma riots and what took place there, sent a wire to the Government of Burma enquiring whether there were any destitute Indians, specially Bengalees in Rangoon, and the reply that came was in the negative. Afterwards on the 17th of August destitute refugees arrived in Calcutta from Rangoon. They were sent at the expense of the Burma Government with certificates of the Burma Central Relief Committee. This Government sent a telegram to the Government of Burma asking whether any more such cases were likely, and another telegram to the Government of India asking whether free railway passes could be issued to take refugees to their homes. A reply was received from the Government of India on the 20th of August stating that the Railways concerned had been instructed to issue 3rd class tickets to refugees from Burma and asking the Government of Bengal to arrange recovery of the cost from the provincial Governments concerned paying their own share of the cost. On the same day a reply was received from the Government of Burma giving the numbers of free tickets issued by the shipping companies to the refugees as follows:—

Twenty-nine men, 14 women, 19 minors through S. S. "Aronda" sailed on the 16th.

Fourty-four men, 11 women and 11 minors through S. S. "Colombo" sailed on the 18th.

Free passages for Chittagong granted to 163 men, 10 women, 7 minor children per S. S. "Chantali" sailed on the 16th.

Now, as far as the Bengal Government are concerned, they are repatriating these destitute Indians to the various districts and provinces. So far, 152 destitute refugees were despatched to their homes yesterday and 35 were despatched to day. There are some more coming and altogether about 350 people have been looked after by the League and the Khilafat Committee. There were some Bengalee refugees who were taken care of by the people of Mirzapore Street and the Bengalees of that part.

Mr. M. SHAMSUDDIN AHMED: Are all these Bengalee refugees?

The Hon'ble Khwaja Sir NAZIMUDDIN: Majority of those that have been despached belong to the various other provinces. Bengalees mostly were taken care of by a different party, mostly men from Mirzapore Street and other parts.

Rai HARENDRA NATH CHAUDHURI: How many?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have not got the numbers of those. Most of the Bengalees really went to Chittagong and you will see from the members there that actually 163 men, 10 women and 7 minors went by one boat to Chittagong. In Chittagong, as you have been told by Mr. Siddiqi, there is a local relief committee consisting of Hindus and Muslims who are providing them with food and also defraying their expenses for going to their homes wherever necessary. We have also written a letter to the Government of India requesting them to make representations to the Government of Burma about the safety of the Indians in Burma as well as to enquire and give us details about the casualties and what protection is being given to the Indians especially Bengalees in Burma. We can only make a representation to the Government of India. We have written an express letter requesting them that, and we have taken every possible steps to repatriate those who have landed in Calcutta.

As far as the request of Mr. Siddiqi is concerned regarding contributions for the relief of those who have been looked after, I hope the Commissioners of Police will be able to give some financial assistance from the Poor Box Fund for this purpose. I have nothing further to add, and I hope that the Government of India will be able to give us some reassuring news very soon.

Maulvi TAMIZNDDIN KHAN: What action will be taken about the Royal Commission?

The Hon'ble Khwaja Sir NAZIMUDDIN: We have made no representation about the Royal Commission.

Rai HARENDRA NATH CHAUDHURI: What is your attitude towards the resolution?

The Hon'ble Khwaja Sir NAZIMUDDIN: About the resolution, a copy of the debate will be forwarded to the Government of India, and it is for the Government of India to do what they can in this respect. We can only forward the discussion and the resolution to the Government of India.

Mr. SPEAKER: The question before the House is that: In view of the fact that Indians, including men from this Province have suffered considerable hardships in the recent disturbances in Burma, and the fact that refugees fleeing from the terror there have been arriving in the ports of Chittagong and Calcutta, in large numbers, this House urges upon the Government to take immediate and effective steps to give them asylum and, in consultation with the Government of India,

to make arrangements for their transportation to their respective homes in the Province and in other parts of India.

This House, is, further, of the opinion that the Government be pleased to request the Government of India to obtain assurances from the Government of Burma that the fullest protection of life and property shall be guaranteed to Indian nationals, living in that country, in the future and that the Government of India be requested to approach His Majesty's Government in the United Kingdom to appoint without delay a Royal Commission of inquiry with representatives of India on it to enquire into the causes of the disturbances, to assess the damage done to the life and property of the Indian nationals and to prepare a satisfactory and adequate scheme of reparations suffered by them.

The motion was then put and agreed to.

Dr. NALINAKSHA SANYAL: Mr. speaker Sir, I rise on a point of order before you declare the result—

Mr. SPEAKER: You cannot do that now.

Dr. NALINAKSHA SANYAL: I can Sir. Under the rules a point of order may be raised at any time except when a division is in progress. My point of order is this. You were pleased to state that you are for the time being allowing the resolution to be moved and will discuss the admissibility of the resolution and give your ruling later on. In case your ruling is otherwise that it is to the effect that this resolution is not admissible, what will be the effect of the resolution?

Mr. SPEAKER: I think when the opinion of a Judge is passed that does not upset the previous judgment.

(The House then adjourned for 15 minutes.)

(After adjournment.)

Non-Official Resolutions.

Retirement from Government Service after completion of 25 years of Service.

Mr. JOGENDRA NATH MANDAL: Mr. Speaker, Sir, I beg to move that—

Mr. SPEAKER: Mr. Mandal, will you please come to the front and speak on the microphone?

Mr. JOGENDRA NATH MANDAL: Certainly, Sir.

Sir, I beg to move that this Assembly is of opinion that with a view to curtail the cost of administration and minimise the unemployment question to a certain degree, compulsory retirement of all Government officials under Provincial and Subordinate Services be effected on their completion of 25 years of service.

A point of order.

The Hon'ble Mr. H. S. SUHRAWARDY: On a point of order, Sir. I would like you, Sir, to consider section 258 of the Government of India Act and to hold that this motion is out of order. This is a submission to Government to take such action which it is impossible for the Government to undertake. A resolution of this nature is wholly out of order and out of place. Had the resolution been worded in a different manner, it might have been accepted, but as it is worded calling upon Government to take such action which this Government is precluded from taking under the limitations imposed under the Government of India Act, I submit, Sir, that this motion is out of order.

Mr. SPEAKER: Will you please point out what are the relevant portion in the Act which make it invalid?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, you have the Act with you. Section 258 of the Act says: "No civil post which, immediately before the commencement of Part III of this Act, was a post in, or a post required to be held by some members of a Provincial Service, shall, if the abolition thereof would adversely affect any person who immediately before the said date was a member of any such service, be abolished, except—

(*a*) in the case of a post in connection with the affairs of a Province, by the Governor of the Province exercising his individual judgment."

Further, in sub-clause (*2*) of Section 258, it is laid down—

"No rule or order affecting adversely the pay, allowances or pensions ayable to, or in respect of, a person appointed before the coming into operation of this Part of this Act to a Provincial service, and no order upon a memorial submitted by any such person, shall be made except—

(*b*) in the case of a person who is serving or has served in connection with the affairs of a Province, by the Governor of the Province exercising his individual judgment."

Now, Sir, this is a matter which comes within the individual judgment of the Governor of a Province. It is not a matter of advice and it is not possible for this Government to refer the matter to the Governor. The resolution, as it has been worded, affects the pay and pension of a particular officer; it also affects his position in the post, because he has been working under certain conditions which are intended to be altered by this resolution. He has entered service under certain conditions which entitle him to stay on in the service until he attains the age of 55. Now, it is proposed that after having served for 25 years he must be compulsorily made to retire. Compulsory retirement is a euphemestic way of saying that he must be dismissed (Cries of "question, question" from Mr. Rai Harendra Nath Chaudhuri), or that pressure must be brought to bear upon him by the rules that he must leave service. In any event, Sir, there is no question even if you do find that it is not actually a case of dismissal—for cases of dismissal there is still another section—that compulsory retirement is coercion on the part of Government which will affect the pay and pension in respect of a person who is already in service, and a resolution to this effect is clearly outside the province of this Government. This is a matter within the individual judgment of the Governor, and I submit that as such it cannot form the subject-matter of a resolution or a recommendation, even though it may be a recommendation to a Governor.

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir. The Hon'ble Minister in pressing his point of order apparently suffers from a misconception about the scope of section 258. So far as this resolution is concerned it does not ask for the abolition of any post whatever and, therefore, it is not hit by section 258 (*1*), neither does it ask for the amendment of any rule or order affecting adversely the pay, allowances, etc. So it is not hit by section 258 (*2*). Under such circumstances, Sir, I submit that this resolution is absolutely in order. The Hon'ble Minister is simply exploiting a word or two which have been used in this resolution, namely, "compulsory retirement." There is no rule or order which makes it incumbent upon the Government to allow any person to serve the State for more than 25 years. Under the circumstances, the point raised by the Hon'ble Minister is absolutely beside the scope of section 258, and as such his point of order should be ignored.

Mr. SARAT CHANDRA BOSE: Mr. Speaker, Sir, may I add a few words to what my friend Rai Harendra Nath Chaudhuri has said? It is unnecessary to deal with sub-clause (*1*) of section 258, because the words are absolutely clear. The words in the section are "shall, if the abolition thereof ....." There is nothing about abolition in the Resolution.

Then, Sir, coming to sub-clause (2) may I draw your attention to the fact that the resolution says "This Assembly is of opinion". This Assembly is not being asked at the present moment either in the form of a Bill or in the form of another measure to enact a rule or order adversely affecting the pay, allowance or pension payable to any person. This point I submit in addition to what my friend Rai Harendra Nath Chaudhuri has said. This resolution does not ask for the enactment of any rule or order affecting adversely the pay, allowances or pension, payable to, or in respect of, a person.

Now, Sir, the resolution asks for an expression of opinion of this Assembly as to whether Government officials should be asked to retire on the completion of twenty-five years' service. If the resolution is passed, the matter goes up before the Government and, you know, Mr. Speaker, under section 49 of the Government of India Act, 1935, the executive authority of a province shall be exercised on behalf of His Majesty by the Governor.

Now, Sir, under sub-clause (2), in the case of any rule or order affecting adversely the pay, allowance or pension, it shall not be made except by the Governor of the Province exercising his individual judgment. When this resolution, if passed by this Assembly, goes up to Government which includes the Governor, it will be for the Governor and the Government to consider whether they are going to give effect to the resolution passed by the House. At the present moment, the resolution is not asking to pass an enactment affecting the pay, allowance or pension of any individual service. I place this additional point in addition to the points raised by my friend, Rai Harendra Nath Chaudhuri.

The Hon'ble Mr. H. S. SUHRAWARDY: The last statement of Mr. Sarat Chandra Bose has been made under a misconception of the state of law. In section 49, the word is "Governor", namely, the executive authority vested in the Governor. There the Governor means the Government and not the Governor exercising his individual discretion. The Governor there is the Government, namely, the Governor on advice, that is the Government itself, and the personality of the Governor only comes in so far as he forms part of the Government. So far as section 258 is concerned, the Governor is not Government at all. It is not correct to say, as Mr. Bose has stated somewhat euphemistically, that the resolution merely means that certain persons who have served for 25 years are being called upon to retire. They are not being merely called upon to retire. If this resolution is carried into practice, you compel them to retire and throw them out of service although under the present conditions of service they are entitled to serve until they attain the age of 55, and to earn a certain pension. But before they attain the prescribed age, before they reach the highest

grade and before they earn a certain pension, you compel them to retire. What is the use of merely asking Government to frame certain rules which are outside the scope of this House and outside the scope of the Government of India Act? This House may bring in a motion next to take steps for the purpose of bringing the moon from the sky down to the earth. This is clearly impracticable. Apparently, therefore, although it is admitted that a resolution like this is outside the powers of Government to give effect to it, nevertheless it is being construed that it can be discussed.

Rai HARENDRA NATH CHAUDHURI: The Hon'ble Mr. Suhrawardy is suffering from another misconception and this time about the scope and meaning of section 49. The Governor under section 49 does not mean the Government, it is Governor the Crown-representative the head of the executive that is meant there. We have got a recent decision of the Hon'ble High Court in the case of Dhirendra Nath Sen versus Emperor in which it was decided that the executive authority of the province is vested in the Governor and Mr. Suhrawardy is holding an opinion which is contrary to the recent decision of the Calcutta High Court.

Mr. SARAT CHANDRA BOSE: May I add one word in answer to the new point raised by the Hon'ble Mr. Suhrawardy. He has not attempted, as he cannot possibly attempt, to deal with the point I raised, namely, that this resolution does not speak of any rule or order. Now, Sir, let us assume that under sub-clause (2) any rule or order which adversely affects the pay, allowance and pension payable to, or in respect of a person, made only by the Governor of the province in exercise of his individual judgment. Even in that case this House would be entitled to express its opinion and the Governor may after considering that opinion either accept it and frame rules accordingly or not accept it. If he frames rules and orders accordingly, then he would be clearly acting within his powers. Powers have been given to him to exercise his individual judgment. This resolution really asks for an expression of the opinion of this Assembly in order that the proper authority or authorities may consider its opinion and may act or not act accordingly

The Hon'ble Mr. H. S. SUHRAWARDY: I want to deal with the point raised by Mr. Rai Chaudhuri. There is no judgment of the High Court which has held that the Governor does not mean the Government.

Rai HARENDRA NATH CHAUDHURI: I say there is a recent judgment of the Calcutta High Court to that effect.

The Hon'ble Mr. H. S. SUHRAWARDY: The honourable member is again wrong. There is no such decision; but merely an expression of opinion. It is quite possible that another Bench of the High Court which may be better advised may have a different view on the subject.

With regard to the point which has been raised by the honourable Leader of the Opposition—is it right or proper or within the jurisdiction of this House to advise the Governor as to how he should exercise his individual judgment.

Mr. SPEAKER: I think I shall have to give my decision on the point of order. The point raised for the time being is whether the motion which has been moved by Mr. Jogendra Nath Mandal is within the competency of this Legislature. That is the only point at issue. I might at the very outset draw the attention of the House to the fact that no resolution is of a mandatory character, but it is merely in the nature of a recommendation, and if there is anything in the resolution which comes into conflict with the existing provisions of the Government of India Act or any statutory rules and orders framed on the subject, it is for the executive Government to consider whether in view of this they will ask for the repeal of these statutory provisions or not, whether they will accept those rules and regulations or not and whether they should give effect to the resolution or not; quite apart from that, I do not at all agree with the point of view which has been raised by the Hon'ble Mr. Suhrawardy. I think the entire scheme of provincial autonomy has been so framed that so far as the services in the provinces are concerned, the provincial Legislature and the provincial Government have been given certain jurisdiction subject to certain protection and safeguarding of the rights of men in the existing services. I think it is within the competency of this Government and the Legislature to frame rules for the purpose of controlling its services. This proposition may be accepted subject to the safeguarding of and protecting the interests of those who are already existing in the services. That being so, I do not find anything in the resolution to show that it is in the nature of a decision by which the executive Government is called upon to ask every officer of Government to retire. This resolution merely enunciate the principle as regards the rules of services. Whether those rules of services are such as may be in consonance with the view of the resolution is a matter for the executive Government to decide later on. For the time being, so long as the executive Government are in control of certain section of services, it is open to this House to give its view as to the principle which should govern the framing of those rules. In any way, I hold that as this resolution has been drafted, it merely enunciates a principle, namely, that in framing the rules of services Government will have to keep this in mind if they so wish. In so far as other existing services are concerned, this resolution must

be taken to be controlled by such statutory rules and provisions as are framed for the purpose. If there is anything in the statute coming into conflict with the subject matter of the resolution, it is open for the executive Government to consider the whole question from that point. But so long as the Provincial Government are in control of some services and have some power in the matter of framing of rules of the services, I cannot say that this resolution is invalid, especially as it is in the nature of a recommendation.

Mr. JOGENDRA NATH MANDAL: I am glad, Sir, that I may continue now. Sir, the object of this resolution as is palpable from the resolution itself is two-fold—one is to curtail the cost of administration and the other is to solve the unemployment problem of this province to a certain extent. I am perfectly aware that if my resolution is accepted and Government give effect to it, a larger number of officers will be off and their comfort may be, to a certain degree diminished, but at the same time I am convinced that they will not find it very difficult to maintain their respective families as they will receive regular pensions.

If compulsory retirement of officers on their completion of 25 years of service is effected, a larger number of vacancies will occur and this will have the effect of absorbing a large number of unemployed young men of our country. Secondly, Sir, there is no denying the fact that every member of this House earnestly desires to reduce the cost of administration; but nothing to this effect has uptil now been done or contemplated.

The acceptance of my resolution will undoubtedly curtail the cost of administration in some degree. Hundreds of officers drawing high salaries shall have to retire and at least have the amount which they used to draw will be saved. The new recruitment that will necessarily be made should certainly be made on a lower scale of pay and therefore a large amount of public money will be saved. May I be permitted to make mention of another benefit that may be derived by this method and that is that the much-criticized nepotism will be checked, and that must be checked at any cost? Checking of nepotism should be adopted as one of the principles of any good Government——

Mr. SPEAKER: Order, order. It has nothing to do with your resolution.

Mr. JOGENDRA NATH MANDAL: Sir, I beg to give some instances in which retired officers have been reappointed, in some cases with high salaries. Last year four retired Government servants were appointed as special officers. In Rangpur district Babu Nalini Ranjan Biswas, a police inspector, drawing a salary of Rs. 200, was reappointed

as a special officer on Rs. 225 besides his pension. This year, too, several retired officers have been appointed as Deputy Magistrates, while in Rangpur Babu Hiralal Roy, who was a Deputy Magistrate and formerly used to draw Rs. 650 per month, has been reappointed on a salary of Rs. 700 per month. Similar instances of reappointment of retired officers are numerous. I have no intention, Sir, to take the time of the House. The object of this resolution is very clear. To solve the unemployment question has become the burning topic of the day and it has been attracting the pointed attention of thoughtful men of our province, and they should find out some means by which they can solve this unemployment question in some degree. Now, Sir, the brilliant scholars, graduates and post-graduates of our country, are rotting, and, finding no means of livelihood, they have begun to indulge in various activities which are very much disliked by Government. Everybody has the right to live, but they have been deprived of their means of livelihood. They have spent large amount of money and their energies on their education and have become graduates and post-graduates. But now they find that no avenues of life are open to them if this unemployment question is not solved. On the other hand, if Government raise the alarm that young men of the country are carrying on agitation and committing anti-Government acts and indulging in revolutionary activities, then the fault will lie with Government and not with the young men of this country. Sir, some sort of avenue should be open before them. They have got intellect, they have got capacity, they have got ability and their abilities should be utilised. If they are not utilized in the proper way, then they are sure to be misused; so, Sir, it is high time that Government should think over this matter and I sincerely trust that they will readily accept my resolution. With these words I commend this resolution for the acceptance of this House.

Maulvi ABDUL LATIF BISWAS: Sir, this resolution which demands the retirement of Government servants after the completion of 25 years' service is one that requires serious consideration. And, Sir, at the outset I should submit that I have stood up to support the resolution brought forward by my friend. The resolution is one which should be considered dispassionately. Nowadays, the unemployment cry is heard everywhere and in every mouth. We find amongst us that young men of brilliant careers are rotting here and there. And if this resolution is accepted and given effect to, I believe a portion of the unemployment problem will be solved. We, on this side of the House, have been urging upon Government in the meetings of the Coalition Party to adopt this rule, making retirement of Government servants compulsory after 25 years of service. I think, Sir, that the resolution has been brought forward in an opportune moment. Recently we have been shocked to find that some officers of the Executive Service have been reappointed after their retirement. It is a thing which should not

be encouraged, but it is a thing which should be condemned. It is a thing which should be condemned in view of the fact that the unemployment question is a burning problem of the day. I submit, Sir, that the resolution which has been brought by my friend over there should be accepted without a division. (Maulvi ABUL HASHIM: Why, why?) The reason is, as Maulvi Abul Hashim will admit, that times without number we have urged upon Government in our Coalition meetings that this rule should be adopted on the ground that brilliant young men are rotting for want of employment while some of the officers are being allowed to remain in service for even 30 and over. (Khan Bahadur Maulvi FAZLUL QUADIR: What about pleaders?) My friend says, what about pleaders? Sir, I know where the shoe pinches. My friend has recently retired from Government service after full 30 years of service, and is still crying for the extension of the same privilege to his brethren in the same service; and that is why the plea has been put forward. If a pleader becomes incompetent, Sir, after working for even a lesser number of years, not to speak of 30 or 40 years, no client will go to him, and this will make his retirement automatically compulsory. In the circumstances there is no necessity for making a rule for the compulsory retirement of pleaders, but it is the duty of Government to make such a rule in the case of Government servants who have a bank balance on the one hand, while millions and millions of their countrymen are dying for want of having even one meal a day, on the other.

With these few words, Sir, I support this resolution.

(At this stage, Mr. Speaker vacated the Chair and it was occupied by Mr. Deputy Speaker.)

Babu NARENDRA NARAYAN CHAKRABARTY:

মাননীয় সভাপতি মহাশয়, আজকে এই পরিষদের উচ্ছাসের ভিতর আমি নিজে অত্যন্ত আনন্দ অনুভব কোরছি এই দেখে যে বর্ত্তমান গভর্ণমেন্ট তাঁর অদূরদর্শী কার্য্যের জন্য তাদের স্বপক্ষীয়দের দ্বারা পর্য্যন্ত নিন্দিত হচ্ছে। (বলুন, বলুন) তাদের আজকের কর্ম্মপন্থার মধ্যে এমন দৃঢ়তা নাই, তাদের কর্ম্মধারার ভিতর এমন একটা ব্যাপক দূর দৃষ্টি নাই যাতে কোরে দেশবাসীর চক্ষে তাদের অস্তিত্বের স্বার্থকতা পরিপুষ্ট হোতে পারে—আর তারি ফলে আজ তাদের নিত্য পৃষ্ঠপোষকদের মধ্যেও যে একটা আলোড়নের সৃষ্টি হয়েছে তাতে আর কোন সন্দেহ নাই।

আমার মনে হয় আজকে আমার বন্ধু শ্রীযুক্ত যোগেন্দ্র মণ্ডল মহাশয়ের এই প্রস্তাব সমর্থন কল্পে খুব বেশী কিছু যুক্তির অবতারণা করার অবকাশ নাই। (A VOICE: একেবারেই নাই।) যেখানে একটা দেশের শতসহস্র যুবকেরা তাদের কল্পনা, চিন্তা, আদর্শ এবং সামর্থের সম্বল নিয়ে দেশকে, জাতিকে সেবা করবার জন্য উন্মুখ আগ্রহে অপেক্ষা কোরছে, সেখানে বার্দ্ধক্যে জর্জ্জরিত, বিগত যৌবন, আদর্শ এবং কল্পনা বিবর্জ্জিত কতকগুলি বৃদ্ধের হাতে শাসনতন্ত্র পরিচালনার ভার দিয়ে আমরা নিশ্চিন্ত থাকতে পারি না। দেশে আজ নূতন যুগ এসেছে তার নূতন ভাবুকতা ও নূতন চিন্তা নিয়ে; বাংলা তথা ভারতবর্ষ পরাধীন হলেও জগতের নব চেতনার আলোড়ন থেকে, নূতন চিন্তার wave বা তরঙ্গ থেকে বিমুক্ত থাকতে পারে না। দেশের সমস্ত যুবক ও যুবশক্তি

আজ আকুল আগ্রহ নিয়ে তাদের চিন্তা দ্বারা কল্পনা দ্বারা জ্ঞান ও কর্ম্মশক্তিদ্বারা জাতিকে সেবা করবার জন্য লালায়িত। আজ এই গভর্ণমেণ্টকে আমরা জানি কতকগুলি প্রতিক্রিয়া পন্থীদের দ্বারা চালিত এবং অবরুদ্ধ; কিন্তু সঙ্গে সঙ্গে একথাও জানি যে আজ বাদে কালই সেদিন ঘনিয়ে আসছে, এগিয়ে আসছে যেদিন এই গভর্ণমেণ্ট এমন প্রভাব, এমন আদর্শ এবং চিন্তা দ্বারা প্রণোদিত হয়ে কাজ কোরবে যখন নাকি একে আমরা নিজেদের গভর্ণমেণ্ট বোলে মেনে নিতে বাধ্য হবো। (A MEMBER FROM COALITION GROUP এখনি মেনে না নেওয়ার কারণ ত কিছু দেখি না।) সেদিনের কাজ আমাদের কতকগুলি বৃদ্ধ জড়দগরদের নিয়ে চোলবে না—যাদের দূরদৃষ্টি বা কল্পনার প্রসারতা নাই, কেবল আত্মচিন্তা ও স্বার্থচিন্তা ছাড়া যাদের কাছে আর কোন বৃহৎ আদর্শ নাই, যাদের কাছে দেশ নাই, জাতি নাই, আছে কেবল নিজের পেট আর আত্মীয় স্বাষ্টি। আজ আমাদের নূতন ক্ষেত্র প্রস্তুত কোরতে হবে। সে ক্ষেত্রে প্রয়োজন হবে না আর বৃদ্ধ মন্ত্রীর, সেখানে আর প্রয়োজন হবে না প্রবীন এবং বৃদ্ধকে শাসন দণ্ড হাতে দিয়ে বসিয়ে রাখার।

Khan Sahib Maulvi SYED MUHAMMAD AFZAL: On a point of order, Sir. I think my friend by his utterance is putting a blame on Mahatma Gandhi, one of the oldest men in India.

Several members: Is that a point of order?

Babu NARENDRA NARAYAN CHAKRABARTY: ধন্যবাদ। আমাদের সেই নূতন সমাজের তরুণদের যে জয়যাত্রা সেই জয়যাত্রার রথ সত্যই আরো সাম্নে আমরা দেখতে পাবো—যদি আজকে আমরা আমার বন্ধুর এই প্রস্তাবটী গ্রহণ করি। সভাপতি মহাশয়, আমরা জানি যে যারা দীর্ঘ দিন রাজসেবা দ্বারা প্রচুর অর্থ উপার্জ্জন কোরেছেন এবং অর্থ উপার্জ্জনের পুরুষানুক্রমিক সেই অধিকারকে সঞ্চয় কোরে রেখেছেন তারা এই প্রস্তাব সমর্থন কোরবেন না। বিপুল বিত্ত সংগ্রহ কোরে ভবিষ্যৎ জীবনে বালিগঞ্জ প্রভৃতি স্থানে অট্টালিকা নির্ম্মান পূর্ব্বক সুখে এবং শান্তিতে বাস করবার জন্য যাঁরা লালায়িত হয়েছেন, তাঁরা এই প্রস্তাবের উল্লেখ দেখেই খেপে উঠবেন। আরো জানি, যারা নিজেদের কাজ নিঃশেষ কোরে উত্তরাধিকারীদের জন্য এই সুযোগ এবং সুবিধা 'উইল' করবার জন্য উন্মুখ হয়ে আছেন তাঁরাও এই প্রস্তাবের বিরোধিতা কোরবেন। কিন্তু আজকে এও জানি—এই পরিষদে এমন অনেক সভ্য, যাঁরা নিজের ব্যক্তিগত সুখ এবং স্বাচ্ছন্দ্যকে উপেক্ষা কোরতে পারেন; যাঁরা সুধু দেশকে চান, এবং জাতির সেবার যে মহৎ, বৃহৎ আদর্শ তাকেই সাম্নে রাখতে ভালোবাসেন এবং সেই তাঁদের আদর্শ। আমি জানি দু'একজন হিন্দুর মনে এ সম্ভাবনা দেখা দিতে পারে যে যদি এই প্রস্তাব গভর্ণমেণ্ট কর্তৃক কার্য্যকরী হোয়ে উঠে তাহলে একসঙ্গে বহু হিন্দুর চাকুরী যাবে। আজকের দিনে, আমি বিশিষ্ট ব্রাহ্মণ বংশে জন্ম গ্রহণ করলেও এবং হিন্দু বোলে পরিচিত হবার সুযোগ থাকা সত্ত্বেও একথা স্পর্দ্ধার সঙ্গে বোলতে পারি—ঐ যে হাজার হাজার যুবক এদেশে আছে, যারা নাকি হিন্দু বা মুসলমান বোলে নিজেদের পরিচয় দেয় না আমি তাদেরি একজন। তারা হিন্দু বা মুসলমান বোলে পরিচয় দেয় না, তারা দেশের সন্তান বোলে, সেবক বোলে নিজেদের পরিচয় দেয়। আজ কতকগুলি হিন্দুর চাকুরী গেল, কি থাকলো সেটা বড় কথা নয় কিম্বা দু', দশ জন মুসলমানের চাকুরী গেল কি থাকলো সেটা বড় কথা নয়; আজকের দিনের বড় কথা,—আমাদের দেশের প্রত্যেক প্রতিষ্ঠান কি কোরে কার্য্যকরী হবে, এবং সমস্ত প্রতিষ্ঠান পাপের গ্লানিকর আবহাওয়া থেকে মুক্ত হোয়ে দেশের সেবা কোরতে পারবে। এইটেই আজকে আমাদের একমাত্র বিচার্য্য বিষয়। বন্ধুগণ, এই বোলে আমি সর্ব্বান্তকরণে এই প্রস্তাব সমর্থন কোরছি।

Khan Bahadur Maulvi FAZLUL QUADIR: Mr. Deputy Speaker, Sir, I want to say a few words about the retirement of Government officers after 25 years' service——(Interruptions from the Coalition Group.) I know that my friends will not hear my arguments but will only heckle me. But in spite of that, I beg to place before you, Sir, some facts with regard to the time-scales of pay that have been fixed for all the services under Government. Time-scale has been provided in this way. I will give a concrete case with regard to a Deputy Magistrate——

(At this stage members from all sides complained that the Speaker was inaudible.)

Mr. DEPUTY SPEAKER: Khan Bahadur, will you kindly come to the microphone?

(The honourable member then went to the microphone.)

Khan Bahadur Maulvi FAZLUL QUADIR: I have got only one word to say with regard to this. If it was applicable to new recruits only, I won't raise any objection, but if it applies to the old officers of the Department also, then it would affect the time-scale. I will give you a concrete case of a Deputy Magistrate who was appointed before 1931. According to the time-scale he is appointed on Rs. 250 on probation, and then Rs. 275 and then Rs. 300 when he is confirmed. Then there is a biennial increment of Rs. 50 until he reaches Rs. 850. It requires him 25 years according to time-scale to reach Rs. 850. Then there is a selection grade of Rs. 1,000 and it takes him two or three years more to get this selection grade. I would also tell the House what are the conditions to earn a full pension. An officer has either to put in 30 years service, or he has to attain 55 years of age. An officer when attains the age of 55 even if he has not completed 30 years' service is bound to retire. It will appear that an officer will be deprived of his pension to the extent of about 100 or 200 rupees if the resolution of my friend is accepted, and he is asked to retire after completion of 25 years' service. Moreover, officers will not get the advantage of the selection grade of Rs. 1,000, and also the officer who would reach Rs. 850 would not be able to get full pension, because full pension is calculated on the average pay of three years' service and not one year, which he has drawn. Therefore an officer will be losing about 100 rupees of pension if this 25 years rule is accepted.

There is another point. Suppose an officer enters service at the age of 23. Under this rule he would have to retire at the age of 48 and he could not reach the higher scale, and this will be a breach of faith on the part of Government, as when they were appointed they were given to understand that they would be allowed to serve for 30 years to earn full pension.

My friends have criticized Government for appointing retired officers. I would like to point out that these retired officers are absolutely necessary to do some important work. As senior pleaders who have got much experience in his profession are consulted for advice, similarly retired competent officers are essential for the good administration of the country.

Mr. SYED HASAN ALI CHOWDHURY: I move that the motion be now put.

Mr. DEPUTY SPEAKER: I do not think that it has been sufficiently discussed.

Khan Bahadur Maulvi FAZLUL QUADIR: In some cases Government have reappointed retired officers as they could not manage with the new officers. The new officers require to be trained up, and it is simply impossible for Government to cope with the work without the help of the senior officers.

With these words, Sir, I oppose the motion.

Mr. NISHITHA NATH KUNDU: Mr. Deputy Speaker, Sir, I beg to accord my wholehearted support to the resolution moved by my friend Mr. Jogendra Nath Mandal. This is a resolution that demands the immediate attention of Government. As far as I remember, Sir, the Government of the Central Provinces have already enforced rules of compulsory retirement after completion of certain years of service, and I believe our Government will not lag behind to accept the resolution and give effect to it. If we give effect to this resolution, it will not only enhance the efficiency of the service by infusing fresh blood into it, but it will give us enough money for nation building departments which will lead to health prosperity and happiness of the people, and which departments are really starving for want of funds. The speaker who preceded me, Sir, was referring to rules of 30 years service. I am sorry I could not exactly follow what he was speaking about. But when those rules were framed there was certainly dearth of people sufficiently educated to fill up the vacancies caused by retirement. Though that was the rule which was quite suitable at the time when it was framed, it is high time now, when we have got amply qualified young men who are rotting, that this rule shuold be revised.

With these few words, Sir, I commend this resolution for acceptance of the House.

Maulvi MUHAMMAD ISRAIL: Sir, retrenchment is the cry today, and this House may remember well that in the very first session of the Assembly I put a question to this Assembly that retirement after 25 years should be compulsory but the reply to that question was in the

negative. From that time onwards I have been very much pressing for this point, because I feel very strongly on this matter as this will effect economy as well as solve the question of unemployment as was said by my previous speaker. If this resolution is carried there will be room for sufficient number of new people to come in. The scale of pay for new entrants is much lower than that of the people who will retire from service. So in this view of the thing, there will be great saving in the cost of the administration. There are many people, Sir, who though well qualified academically are not getting any jobs. Now if this resolution is carried, it will create a great avenue of employment for those people. I think, Sir, that younger people will be able to do much better work than the older people who on account of their old age have become unable, incompetent or imbecile.

Mr. SURENDRA NATH BISWAS: The question may now be put.

Mr. DEPUTY SPEAKER: It is rather an important matter. After the Government members have spoken, I will put the question.

Mr. ABDULLA-AL-MAHMOOD: On a point of information, Sir. How many members are you going to allow to speak in support of this resolution?

Mr. DEPUTY SPEAKER: After the Government members have spoken, I will put the question.

Maulvi MUHAMMAD ISRAIL: Sir, it is very gratifying to find that in this matter both the Opposition as well as the members of the Coalition Party are in agreement. With these few words I commend this resolution for the acceptance of the House.

Mr. J. N. GUPTA: Sir, I, as a Trade Unionist must oppose the resolution which my honourable friend Mr. J. N. Mondal has moved. It is in my opinion a wrong way of attempting to solve the unemployment problem. The correct solution for the unemployment problem is the establishment of new industries, commerce, trade and improvement of agriculture in the country. That is the only way to solve the unemployment problem. It is a suicidal policy to do away with the services of people who have worked only for 25 years. If they are made to retire after the completion of 25 years' service, do you know what will be the result? Twenty-five years' service is not sufficient for a man who has got a number of children to be educated and some daughters to be married. To retire a man after the completion of 25 years' service means that you are depriving him of an opportunity of making due provision for his children by serving for

five years more. We are fighting for increasing the service age from 55 years to 60 years which is allowed in the United Kingdom. Sir, are we the representatives of the people and the workers in this country? If the interests of the workers are not looked into by us, if the workers do not get any sympathy from us, then it cannot be said that we really represent them. To do away with the services of men who have reached the maximum of the grade means that new men start with the minimum of the grade. If a man was getting Rs. 100 per mensem as salary, on his retirement his successor—a young man—will start with Rs. 30. In this way, it is claimed that there will be a saving of Rs. 70 per head. But, Sir, I submit that if the facts and figures are scrutinised, it will reveal quite a different state of affairs. The savings that will accrue will help Government to pay more allowances to the members and more money will be spent for building, roads, etc., at the cost of the poor men. What will be the consequence then? A man who has got four sons and two unmarried daughters besides himself and his wife to maintain will be reduced to utter helplessness, if he is to retire on the completion of 25 years' service. To employ one young man in his place, you will throw his whole family on the street. He will not be able to earn anything more than a meagre sum as pension in his old age which is nothing but a starving wage.

With these words, Sir, I beg to oppose this resolution.

Mr. ABDULLA-AL MAHMOOD: Sir, How many members will you allow to speak on this resolution?

Mr. DEPUTY SPEAKER: There are many members who want to speak on this resolution. I will allow only three members on the Coalition side to speak on this resolution for not more than five minutes each.

Mr. ABDULLA-AL MAHMOOD: Sir, I whole-heartedly lend my support to the resolution moved by Mr. J. N. Mandal. While supporting the resolution I beg only to remind this House through you Sir, that this resolution should be accepted by Government. So far as the members of the Coalition Group are concerned I remember that when the Coalition Group was formed the President of the Muslim League, namely, the Hon'ble Nawab Khwaja Habibullah Bahadur and the President of the Proja Party, namely, the Hon'ble the Chief Minister, made a common programme which was announced on the 24th February, 1937, in "The Star of India" and which was to the effect that the cost of administration should be curtailed, and this is one of the ways which my friend has suggested in which the cost could be curtailed. The other day, the Hon'ble the Chief Minister

read out from a resume of the activities of the Ministers and this item is also contained in that book. I, therefore, request Government to accept this resolution, because the majority of the members of this House is in favour of this resolution.

Mr. SHAH ABDUR RAUF: Sir, I oppose what my friend Mr. Fazlul Quadir has said against this resolution. I do not like to make any lengthy speech because I think that the resolution, as it stands, ought to get the support of the majority of members of this House. Sir, it is no use saying that if this resolution is carried it will not solve the unemployment problem of this country, but it will surely give some relief. My friend Mr. Fazlul Quadir was saying that it would cause some hardships to those who are anxious to get promotions or hope to earn fat pension. I submit, Sir, the salaries they have drawn for 25 years will be enough to keep them up for the rest of their lives not only for themselves but also for their children. And it is meet and proper that after 25 years' service these gentlemen when they grow old should be thinking of the next world and of giving up their worldly ideas. With these words, Sir, I beg to support the resolution.

Mr. SIBNATH BANERJI: Sir, the question be now put.

Mr. DEPUTY SPEAKER: You should remember that I have allowed three members to speak.

Maulvi ABDUL BARI: Sir, I give my whole-hearted, unstinted, unflinching and exuberant support to the resolution of my friend. It is really a very happy day because from the beginning of this day when I entered this House I found a feeling of cordiality prevailing throughout (cries of hear, hear). It was a very happy day when I found that Mr. Abdur Rahman Siddiqi was being supported by the honourable Leader of the Opposition. I felt inwardly within myself that there was some expectation of the realisation of the ideal of my life. There was some expectation of the fulfilment of the dream of my younger days—some expectation of the fulfilment of the vision of my youth, that a day will come when really all of us—Hindus and Mussalmans, Congress and non-Congress, the League and the Praja—would be able to work hand in hand for the common good of our country. That was a thing that gave me the greatest pleasure. The last resolution of ours is being followed by another resolution in which we find there is a unanimity of feeling amongst ourselves and most of the members of this House, both of the Opposition as well as of this side, are going to vote for the resolution of Mr. Jogendra Nath Mandal.

Regarding the merits of the resolution itself, I need say very little. It is absolutely necessary that Government servants should retire after 25 years' service in order to make room for younger blood and for younger generations. That will solve not only the question of unemployment, as has been repeatedly stated by so many members, but that will also bring in new blood and youth in the services themselves and that is also one of the reasons why I want to support the resolution.

Apart from that; the question of the reduction of the cost of administration comes in. The servants of the Crown who are getting fat salaries should retire from the service allowing others to get in at a lesser pay. It is said by Government that under the rules, Government servants cannot be made to accept lower salaries when there was a contract at the time of their entry into the service. So if these Government servants retire after 25 years' service, there will really be effected an economy in the cost of administration.

There is one thing more. If Government servants retire after 25 years' service, they will practically retire at the age of 60, because most of the Government servants conceal their age at the time when they enter service. They enter service and declare the age of 25 years when they are really aged 30 years or even more, and this addition of a few years more should also be taken into account. On all these grounds, I would earnestly support the resolution and I have great pleasure in having the opportunity of walking in the same lobby along with the Opposition for voting for the motion.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, I am feeling a little embarrassed in the fight between emotion and reality. If, by acceptance of this resolution, the dream of Mr. Abdul Bari is realised and the Congress, Coalition, Scheduled Castes, the Praja Party—all the parties would join together—then certainly I am tempted to accept this resolution. Even if the dream of my younger friend, Mr. Narendra Narayan Chakrabarty, is realised by the acceptance of this resolution, which means the driving out of all old men and giving place to younger men like Mr. Chakrabarty, I think, I should accept this resolution. But when I come to the merits of the resolution, I find that the resolution has been moved under certain misconceptions. My friend, Mr. Narendra Narayan Chakrabarty said why those who had saved some money should continue in service. I do not deprecate his saying so, but my friend, Mr. Chakrabarty, will perhaps admit that sometimes savings of other people are also helpful.

So far as the merits of this resolution are concerned, many of the members have said that if this resolution was given effect to it would bring about a great reduction in the expenditure of Government. Sir, I submit that this is not a correct statement of the position. I have

got some typical calculations made and I have found that it would mean increased expenditure. If the 25 years' rule be introduced, then for some time to come the loss per man replaced under the new arrangement will be about Rs. 1,000. But this will only hasten the period when both the retiring officer and the new substitute would be on the same scale of pay—that is the new scale which we want to introduce, and as soon as this is reached the extra cost to Government on account of this rule will be Rs. 10,900 per person. Clearly, therefore, the acceptance of this resolution would be a shortsighted policy inasmuch as it would mean extra expenditure even at the present moment and a far greater expenditure in the near future. The honourable mover of this resolution must realise that although during the first 4 or 5 years there would be a saving ultimately the Government would be burdened with a heavily increased cost. Leaving aside intricacies of calculation, I may say that the increased costs of Government are due to the fact that a man retiring after 25 years of service has to be paid a pension over a larger number of years and though at the beginning the difference between the pay he would have drawn, had he not retired and the pension on which he retires after 25 years of service, is somewhat larger than the pay of the substitute, this advantage disappears owing to the operation of the time-scale in the case of the substitute, and after a few years the pay of the substitute *plus* the pension of the retired officer actually becomes greater than the pay that would have been drawn by the retired officer had he not retired. If the House is very serious about this resolution, I am prepared to convince by placing relevant facts and figures and calculations before the Leaders of the different groups and demonstrate to them that if this rule is accepted that will entail a heavy expenditure in the long run to the Government——

Mr. SARAT CHANDRA BOSE: No.

The Hon'ble Mr. NALINI RANJAN SARKER: I hear, Sir, some honourable member—I think the honourable Leader of the Opposition —said "no". But I can convince him if I am allowed the opportunity to place the calculations before him, and then let him say "no". Seven *plus* 5 is always 12 and when it comes to the honourable Leader of the Opposition it cannot be otherwise.

Mr. SARAT CHANDRA BOSE: Seven *plus* 5 is not 10.

The Hon'ble Mr. NALINI RANJAN SARKER: The honourable Leader of the Opposition may sometimes consider that 7 *plus* 5 makes 10 or 14 as the occasion demands, but when faced with the reality of Rupees, annas and pies, I am sure he would see that it would be conducive to lesser expenditure if the existing system is retained.

Then, Sir, there is another thing: all the Government servants knew when they entered the service that they would retire after they had attained the age of 55. Now, if we change the rule and make them retire within a year or two or, say, 6 months, the result will be that all their plans will be upset. Depending on their service some of them may have sent their children to foreign countries for education: some may have made arrangements about their son's or daughter's marriage and may have made other commitments on the calculation that they would retire at the age of 55. If we now change the system without notice and compulsorily make them retire before they attain the age of 55, it would be a great hardship to them.

Babu NARENDRA NARAYAN CHAKRABARTY: "পঞ্চাশোর্দ্ধং বনং ব্রজেৎ"

The Hon'ble Mr. NALINI RANJAN SARKER: My friend Mr. Narendra Narayan Chakrabarty says "পঞ্চাশোর্দ্ধং বনং ব্রজেৎ" but he forgets that this rule the officer may have to retire even at the age of 45 or 47.

Then, Sir, it will mean a great hardship on the poor officers, I mean the clerks, teachers, etc., who get smaller salaries. Even with their full salary they cannot make both ends meet, but if all on a sudden they have to retire it will go very hard with them. In our services I think about 90 per cent. of our officers belong to the subordinate service. So far as the question of unemployment is concerned, it should be remembered that if we make Government servants retire at a much earlier age, namely, 45, 47, or 48, they will, in all probability, still be able to do active work and will come up to the unemployment market for service. If they do so, the pressure on the employment market will not be very much relieved. It has also to be noted that even if they retire after 25 years' service, their number will not be so large as to bring about any appreciable relief to the unemployed. I will give the House some figures. We have got 2,600 gazetted officers, of whom generally 4 per cent. retire every year—that is to say—about 105, or 104, to be exact. In the subordinate services we have over 50,000 men, of whom only 3 per cent. or 1,500 retire yearly. So, if you adopt this rule, I do not think that the unemployment problem will be solved to the extent that we all require. On On the other hand, Sir, with the extension of social services, with the extension of the various activities of this Government, I feel that we can provide employment for 10,000 to 15,000 men per year. There is yet another consideration which should weigh with us, namely, the desirability of dispensing with the services of officers who have acquired experience and proved invaluable to Government. I do not think,

Sir, it would be conducive either to economy or to efficiency to adopt such a policy. With these remarks I appeal to the mover to withdraw his resolution. If the House so desires, we can appoint a Committee. And I am prepared to place all facts and matters before them. If even after that they are not satisfied, then, if the House by a majority directs us to do certain things we shall be bound to do so. But at this stage I appeal to the House not to be guided by sentiment. Let them at least examine the facts and decide their course of action afterwards. I, on my part, am prepared to help any machinery the House desires to set up in this behalf. I am prepared to put before them all the facts and figures which they want to see and after examining all the facts and figures if they still desire that this system should be made effective, Government would certainly gladly consider their recommendations."

(At this stage Mr. Speaker occupied the Chair).

Mr. JOGENDRA NATH MANDAL: Sir, may I in reply submit a few points? I shall try to point out the fallacy in the calculations made by the Finance Minister. Let us take a concrete instance. A Deputy Magistrate ordinarily draws Rs. 850 per month during the last 5 years of his service. Now on the completion of 25 years of service he will have to draw Rs. 850 per month. Supposing that for 5 years he draws Rs. 850 per month and if he is made to retire and a new appointment is made, then the new employee will get Rs. 150 per month. The officer who will retire will get Rs. 425 as pension and it is the maximum pension. Then, Sir, the pension of Rs. 425 *plus* the salary of the new employee, namely, Rs. 150 is equal to Rs. 575, whereas if the officer is allowed to continue in office after 25 years' service he will draw Rs. 850 per month and the difference would be Rs. 275.

The Hon'ble Mr. H. S. SUHRAWARDY: What about the new officer who will be appointed in his place?

The Hon'ble Mr. NALINI RANJAN SARKER: But he is on the time-scale, and this will greatly affect the saving!

Mr. JOGENDRA NATH MANDAL: Sir, the new man will replace the old one.

Mr. SPEAKER: Please leave your calculations for the time being behind.

Mr. JOGENDRA NATH MANDAL: So Rs. 275 is saved on that. I hope, Sir, I have made myself clear on this point. Therefore, the Hon'ble the Finance Minister has given us a miscalculation and I hope the House will not be misguided by this miscalculation.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, in reply to the charge of miscalculation I say that it is not a fact. The man who will retire will get Rs. 425 as pension, and the man who succeeds him will get Rs. 150 per month. All true; but, Sir, within the next 6 or 7 years the new man will get nearly Rs. 400 and as soon as he gets Rs. 400 in a very short time his salary becomes Rs. 425, so that the pay and pension of these two men taken together become Rs. 850 in about 8 to 9 years. So even in the case of a man who retires on Rs. 850 after 25 years of service, we shall ultimately lose Rs. 1,492.

Mr. DHIRENDRA NATH DATTA: But, will not any pensioner die in the meantime?

Mr. SPEAKER: That is another matter.

(Sj. Narendra Narayan Chakrabarti was found talking with a member when Mr. Speaker was on his legs putting the question to the House.)

Mr. SPEAKER: Order, order, Mr. Chakrabarti. When I am on my legs I have repeatedly intimated that it is desirable that there should be complete silence in the House.

The question before the House is that this Assembly is of opinion that with a view to curtail the cost of administration and minimise the unemployment question to a certain degree compulsory retirement of all Government officials under Provincial and Subordinate Services be effected on their completion of 25 years of service.

The motion was then put and agreed to.

Mr. SYED ABDUL MAJID: Sir, I beg to move that this Assembly is of opinion that immediate steps be taken for the introduction of free and compulsory primary eduaction——

Mr. SPEAKER: Mr. Majid, I am told that it is prayer time now, so it will be convenient if we adjourn now and you move your resolution after we re-assemble.

(The House was then adjourned for 15 minutes.)

(*After adjournment.*)

Introduction of Free and Compulsory Primary Education.

Mr. SYED ABDUL MAJID: Sir, I beg to move that this Assembly is of opinion that immediate steps be taken for the introduction of free and compulsory primary education in the province of Bengal including Calcutta and all other municipal areas and that while all parts of the province both rural and urban including the city of Calcutta should be called upon to contribute to the cost of primary education and should be included within the scope of one single Act, the cultivators of the province should be excluded from the burden of any such taxation on the ground that they have to bear an additional commodity tax on jute yielding and annual revenue of 3·50 crores to the Central and Provincial Governments. Sir, at the time of the last general election, one of the most important pledges that were given by the candidates belonging to the various groups and parties was the introduction of free and compulsory primary education in this province. And if I remember aright, the Hon'ble the Chief Minister spoke from hundreds of platforms that if he was placed in charge of the future administration of this province he would see that not only the question of *dal bhat* would be solved by him but also that the primary education, free and compulsory, should be introduced in this province, without any taxation upon the cultivators.

Now, Sir, what has he done for implementing that pledge? Has he taken all the steps that were necessary for the introduction of free and compulsory primary education in this province? Has he explored all the avenues of income that might have been available for the introduction of free and compulsory primary education in this province without any further taxation upon the cultivators? My reply to this question is, no. He has not done anything for implementing that solemn promise——(A MEMBER FROM THE COALITION GROUP—Question?) Now, Sir, my friend over there might question the statement I have made, but you will find presently that what I have said is quite correct. The present Government did not move in the matter for a long time. There was a persistent demand from the members of the various groups for the early introduction of free and compulsory primary education in this province, but after all the present Government had to take shelter behind that old Act of 1930, namely, the Bengal Rural Primary Education Act. And you know, Sir, how that Act was passed. It was passed against a tremendous agitation in the country and it could not be given effect to by the previous Government on account of the serious agitation throughout the length and breadth of the country. After all, what is that Act? That Act is not going to give compulsory education, it may give free primary education to

a limited extent. Sir, the present Government have asked the various districts to introduce and to give effect to this Act in their respective districts, but at the same time they have not taken upon themselves the responsibility of imposing taxes. They have left the matter to the members of the District Boards, and to the local M.L.A.'s. In the circular issued by Government they have said that if the District Board and District Education Boards wherever they were established, and if the local M.L.A.'s were agreeable to impose the tax upon the people in their respective districts, the Act might be given effect to in those particular districts. They have done so purposely, because they do not like to become unpopular by imposing taxes themselves. But at the same time they wanted to make the District Board members or the District Education Board members or the local M.L.A.'s unpopular for the imposition of this tax. The Act of 1930 made primary education free but not compulsory. That was done with a purpose. Originally the object was to include Calcutta and to make provision of free and compulsory education for the whole of Bengal. In other words, Sir, whatever taxes might be levied should also be levied in the city of Calcutta. But if at the present rate of taxes Calcutta was included within the Act, then Calcutta alone would have had to contribute nearly 1¼ crores of rupees. But the foreign business men of Calcutta would not pay anything for the education of the children of the soil. Therefore, to please them the previous Government excluded Calcutta from the operation of the Act. Under the present Act tenants have to pay 3½ pice per rupee on their annual rental, and the landlords 1½ pice per rupee on their collections. This would, if wholly collected, bring in 1¼ crores of rupees annually for the whole province. This amount together with whatever may be available from other sources will not be sufficient to give education to more than one-third of the children of rural Bengal. That is why primary education has not been made compulsory under the Act. The result therefore, is that whereas every man will pay tax, the children of the every third man will get education. In other words, A and B will pay the tax for the education of C's children. If Government had included Calcutta and other municipal areas within the operation of one single Act, on the present basis of taxes we would get another 1¼ crores from various municipal areas alone, whereas the excess cost for educating the children of the urban areas will not be more than 20 lakhs. These two sums along with another 50 lakhs from here and there which the Government are now ready to contribute for primary education will enable us to make primary education free and compulsory. The question is, can the present Government afford to do this? The present Government, capitalistic in its outlook and in its composition, will never agree, we are certain, to tax people who are really capable of paying taxes, but are over-anxious to increase the burden of taxation of the poor cultivators of the villages, compensating them

otherwise by raising the cry of "Islam in danger". Sir, our proposal is more than this. We want that primary education should be made free and compulsory; that the poor cultivators should not be made to pay any further taxes which they are not capable of paying. What we would have done in the circumstances is to divert a sum of not less than a crore from the jute tax, a tax which is entirely paid by the poor cultivators of this province, a tax which has no parallel in any other province of India and very few in other countries of the world; for the primary produce of the cultivator is rarely taxed. Sir, we would have taxed Calcutta and other municipal areas on the same scale as is provided in the present Act, thus securing another 1¼ crore of rupees. We would keep the landlord's portion of that tax intact by which we might get a sum of over 25 lakhs. Then, the Government at present is contributing about 30 lakhs and these sums together with what the District Boards are now paying would be enough for making the primary education free and compulsory without further taxation of the cultivators.

Sir, with these words, I would request my friends on the left to support my resolution, if really they are sincere in their demand which has been made off and on inside this Legislature and outside that free and compulsory education should be introduced in this province without further taxation of the cultivators.

Mr. SYED AHMED KHAN: আমি আমার বন্ধু আব্দুল মজিদ সাহেবের এই প্রস্তাব সমর্থন কোরছি। এখন এদেশে primary শিক্ষা বাধ্যতামূলক যাতে ট্যাক্স না ধোরে হয় সেইটা কোরতে হবে। কেননা অদ্য যে দুর্দ্দশা দেশের উপর এসেছে—বন্যা এবং দুর্ভিক্ষে যে নিদারুণ অবস্থা আমাদের দেশের হয়েছে সেই দিকে দৃষ্টি কোরে যাতে লোকের আর ট্যাক্স বৃদ্ধি না হয়,—আশা করি সেই বন্দোবস্ত এই হাউস কোরবেন। অনাবৃষ্টি ও বৃষ্টির দরুণ দেশের যত শস্য, আউস, পাট, মরিচ প্রভৃতি সব নষ্ট হয়ে গেছে, ফলে সমস্ত দেশের কৃষক সমাজ দুর্গতির শেষ সীমায় এসে শেছে। তাই খাজনা এবং ট্যাক্স তারা আর দিতে পারবে না, আজ তারা সর্বহারা হয়ে গেছে। তার উপর যদি আবার শিক্ষার জন্য ট্যাক্স বসান হয় তাহলে মরার উপর খাড়ার ঘা দেবার বন্দোবস্ত করা হবে। তাই আমি বোলছি দেশের এই দুরাবস্থার বিষয় চিন্তা কোরে আপনারা এই প্রস্তাব সমর্থন করুন। যাতে দেশের গরীবদের শিক্ষাকর আর না বোসতে পারে। ১৯৩৫ সালে মাননীয় ফজলুল হক সাহেব, যখন প্রধান মন্ত্রী হন নাই, তখন, নোয়াখালি ডিষ্ট্রিক্ট কৃষক coference এর সভাপতিরূপে লক্ষ্মীপুর গিয়েছিলেন। তখন তিনি শিক্ষা করের প্রতিবাদ করেন এবং কিছু দিন পূর্বে আবার যখন Chief Minister হয়ে লক্ষ্মীপুর গিয়েছিলেন তখনও সেখানে বোলে এসেছেন যে, "তোমাদের উপর শিক্ষা কর হবে না"। কিন্তু সেই নোয়াখালি লোকেদের আবার যে শিক্ষাকর দেবার জন্য বলা হয়েছে তা নিয়ে সেখানে সবাই হৈ চৈ কোরছে। কৃষক শ্রেণী বোলছে যে—আমাদের খাজনা মাফ দিতে হবে, দেনা মাফ দিতে হবে—সে সম্বন্ধে গভর্ণমেন্ট কর্তৃক কিছুই বিবেচনা হচ্ছে না। তাছাড়া খাস মহলে গভর্ণমেন্টের যেসব জমি আছে সেগুলির বন্দোবস্তের বেলাও খাস মহাল অফিসারদের যারা নজর দিতে পারে—সেই সব লোকদের ভাগ্যেই সেসব জমি জুটবে, দীন দরিদ্র প্রজা যারা, যাদের টাকা কড়ি নাই তাদের ভাগ্যে জুটবে না। নোয়াখালি জেলায়, পূর্বে যাদের জায়গা জমি ছিলো সেগুলি কেড়ে নেওয়া হলো, গভর্ণমেন্ট অফিসারেরা চারিদিক দিয়ে কৃষকদের উপর ট্যাক্স ধোরছে। তার

উপর যদি আবার শিক্ষাকর ধরা হয় তাহলে তারা আর বাঁচবে না। তাই আমি বোলছি এই শিক্ষাকর হোতে কৃষকেরা যাতে রেহাই পায়, এবং দুর্ভিক্ষ হওয়ার দরুণ তারা যাতে খাজনার দায় হতে রেহাই পায় সেই বন্দোবস্ত অতি সত্বর করা দরকার। কাজেই আমি আমার বন্ধু আব্দুল মজিদ সাহেবের প্রস্তাব সমর্থন কোরছি।

আর একটা কথা। Election এর সময় যাঁরা কৃষকপ্রজা পার্টির হোয়ে কৃষকদের ভেতর কাজ কোরেছিলেন তাঁরা বোলেছিলেন যে আমরা কাউন্সিলে গেলে তোমাদের খাজনা মওকুফ কোরবো, তোমাদের বিনা করে শিক্ষার বন্দোবস্ত করবো। কিন্তু এখন শিক্ষার জন্য কর বসিয়ে আবার যদি কৃষক জনসাধারণের কাছে ভোটের জন্য যাওয়া হয় তখন আর কারো মুখের কোন কথা খাটবে না। তখন শিক্ষা বিনা করে হবার প্রস্তাবে এবং খাজনা মওকুফ হবার প্রস্তাবে কে প্রজার পক্ষে কিম্বা কে অন্যদিকে ভোট দিয়েছে তখন তার নিকেশ হবে।

অপর পক্ষ যতই ভাবুন না কেন—শুধু লীগের আন্দোলন করেই ভোট আদায় করবেন তা হবে না। প্রজারা যখন খাজনা ও দেনার দায়ে ঘরবাড়ী হারা হয়ে উপবাসে মরবে তখন শুধু বড় বড় কথায় তাদের পেট ভরবে না, অথচ লীগ খেয়েও তারা বাঁচবে না। তাদের প্রকৃত কাজ করতে হবে; নতুবা ভবিষ্যতের পথ অন্ধকারাচ্ছন্ন।

Mr. MD.ABDUL JABBAR PALWAN:

আমি এই প্রস্তাব সমর্থন কোরছি। আমাদের কৃষক প্রজারা খাজনার দায়ে অতি জর্জ্জরিত হয়ে, তারা আজ অশক্ত; তার উপর এই ট্যাক্স ধরাতে তাদের অসম্ভব রকম দুর্গতি হয়েছে। আমি শুনেছি পরগণা পাতিলাদহের ৮৬ হাজার টাকা শিক্ষাকর দিতে হয়, সেখানে প্রজারা শুধু ১৬ হাজার দিতে পেরেছে আর কিছুই last year এ দিতে পারে নাই। সেইজন্য আমি একটা resolution দিয়েছি যে শিক্ষাকর শুধু জমিদারদের উপর ধরা হোক। তাছাড়া আমাদের যে পাটের টাকা, কৃষকেরা যে এত কষ্ট কোরে পাট করে, সেই টাকা earmarked হলে free primary শিক্ষা দিবার জন্য অন্য কারো উপর tax বসাতে হয় না। সুতরাং আমরা সহজেই বোলতে পরি যে primary education বিনা করে compulsory করা হোক। তারপর (Laughter among some members) অবশ্য এখানে দু'একজন হাসতে পারেন, কিন্তু এই কলকাতা সহরের বাইরে গেলেই তাঁরা বুঝতে পারবেন যে দেশের অবস্থাটা কি। তাই আমি সঙ্গে এই প্রস্তাব সমর্থন কোরছি এবং আশা করি আজ এই Assembly তে এ প্রস্তাব বিনা প্রতিবাদে পাশ হোয়ে যাক।

Khan Sahib Maulvi SYED MUHAMMAD AFZAL: Sir, whenever any speech is made on the floor of this House, we hear my friends of the Opposition or the so-called Proja Party to refer to the election pledges. I can tell you, Sir, that had the Chief Minister not spoken of giving the pledges in that way I think that most of the members on that side would not have been elected and could not have taken their seats on the floor of this House. (Cries of "Hear", "Hear" from Coalition Benches.) I can tell you, Sir, that after three years election will again come, and these things will be tested. There is no denying the fact that it is the election pledges of the Chief Minister which could make them successful in their election campaign. Certainly, my friend Mr. Abdul Majid has said that primary and compulsory education without cess should be introduced in this country. We also welcome it. We do not deny that this should be introduced, but before

we consider this thing we must look to the finance, and we must see whether it is possible for this Government to introduce a Bill of that nature or not. If it is possible and if any concrete suggestion comes forward from that side, certainly we will welcome it, but to say all these things in a loud voice that primary education without cess should be introduced and that all the cesses should be imposed on the landlords, zemindars and big people is only an electioneering dodge and nothing else. It is only to show to the people that they are doing this and that, that they are feeling for the people and that they are feeling for the voters who have sent them to the Council—it is nothing else. I hope, Sir, there will be some sincerity. If they are really sincere and if they have got it in their heart and sincerely feel that primary and compulsory education should be introduced without cess they must come forward with a suggestion as to how money may be available. They can suggest how expenditure can be curtailed and under what head. I submit, Sir, that no suggestion of this kind has emanated from that side. All that they have said is that the money realised from jute tax should go for this purpose. I also admit that this money should be spent for this purpose, but I can tell my friends that this is not sufficient for the purpose. If you look to the budget, if you consult it closely, you will be satisfied that this sum by itself is not adequate for the purpose. Introduction of a Bill like this without any cess all over the province will cost about three crores of rupees or four crores as my friend suggests from there. Now, what is the income derived from the jute tax in this province? That is very nominal in comparison with the amount that will be required for the purpose. (Rai HARENDRA NATH CHAUDHURI: What is the amount?) I think, Sir, a man of his position ought to know these things; he need not ask me that question. (Laughter.) (Rai HARENDRA NATH CHAUDHURI: But you said that it is a nominal sum.)

Rai HARENDRA NATH CHAUDHURI: On a point of personal explanation, Sir. He said that it was only a nominal sum, and that is why I enquired what was the amount.

Khan Sahib Maulvi SYED MUHAMMAD AFZAL: Sir, there may be an impression that we members on this side of the House oppose this resolution. We certainly do not oppose it. On the contrary, we support it, but though we support it, we do not actually like to vote against Government on this issue. (Laughter.) If the House is divided, we won't vote for Mr. Abdul Majid. If gentlemen on the front benches, for instance Mr. T. C. Goswami, Deputy Leader of the Congress Assembly party, will come forward to support such a resolution, I am sure that he will also not vote for it. (Laughter.) It is practically impossible to do so. If the House is divided, I am sure these things will be tested. If there is any possibility of this

resolution being carried, certainly they will vote for it, and if they think that they are in the majority and the resolution will be lost, in that case they may vote otherwise. My friend has said that this Bill should be introduced. We also admit that it should be done, and we also want to give some relief to the people who are so needy and who want Government help, but I think that the diplomat who is advocating the cause of the masses so loudly now-a-days opposed the Bill on a previous occasion. Not only this, but a responsible member of the Cabinet resigned on this very question. So, I think that the support which they are giving towards the Bill is not sincere. So, I say that if the gentlemen on the Opposition Benches bring forward a concrete example to show us how money can be raised, we will admit that this Bill must be introduced in the country. We will accept it; we will ever remain grateful to them if they can show us how money could be available and how this Bill could be introduced without the imposition of any cess.

Mr. SANTOSH KUMAR BASU: Sir, the question may now be put.

Mr. SPEAKER: I do not want to close the debate just now. There are still some member who want to speak.

Maulvi TAMIZUDDIN KHAN: Sir, I thought that this was a day of unanimity, but I am sorry to see that my honourable friend Khan Sahib Afzal has struck a jarring note. Earlier this day, my young friend Maulvi Abdul Bari said that he was realising the dream of his youth to-day. I can say that the introduction of free and compulsory primary education in this country may not have been a dream of the youth with the Hon'ble the Chief Minister, but certainly it has been a dream of his old age. One of my friends over there says that the Chief Minister is not old in age. I admit that though he is old in age he is still young in heart. However, that is another matter. I believe that the Hon'ble Chief Minister and the Ministry as a whole are anxious to introduce free and compulsory primary education in this country. I have no doubt about their sincerity, so far as this matter is concerned, and in supporting this resolution I do not like at all to indulge in fault-finding. All that I want to say is that this resolution should not be opposed by the Government.

This resolution seeks to give Government a way out of the difficulty in which they are finding themselves. Much has been said about the Act of 1930—the Bengal Rural Primary Education Act. I say, Sir, that it is an ill-fated Act. It was born on the grave of a Minister and as soon as it was born every attempt was made to nourish it so that it might grow, but all attempts have hitherto failed. The Hon'ble Sir Nazimuddin who sponsored that Bill and who was mainly

responsible for the passing of the Bill into an Act, made earnest effort to enforce the provisions of the Act; but he failed. I cannot blame him for his failure very much, because as soon as the Bill was passed a serious economic distress appeared and there was also some opposition from interested quarters on account of which the Act could not be given effect to.

Now, Sir, after the present Government assumed office, the Hon'ble the Chief Minister certainly has made attempts to enforce the provisions of the Act. He invited the different districts to come forward with proposals to impose the education cess and some districts actually came forward with such proposals, but unfortunately just after the announcement made for the imposition of the education cess, another distress has befallen this land and most of those districts have had to stop the realisation of the cess for the time being under the orders of the Government. I therefore think that the Act of 1930 is an ill-fated Act, and it will perhaps be never enforced. I confess, Sir, that I was a staunch supporter of this measure and I also confess that I thought that even the cultivators, if they could pay, should be made to contribute their own quota to the cost of the introduction of free and compulsory primary education in the province. But we see now that cultivators are absolutely unable to pay any additional tax under the present circumstances. Therefore I agree with the Hon'ble the Chief Minister in his declaration from thousands of platforms during the election campaign, that primary education should be made free and compulsory but no further tax should be imposed on the cultivators and the poor people of the province.

I think, Sir, that this resolution is giving the Hon'ble the Chief Minister an opportunity to realise the dream of his election days. My friend Mr. Afzal has said that on account of the election pledges that were given by the Hon'ble the Chief Minister some of the members on this side of the House was able to get themselves elected. I do not agree with the insinuation of this statement. The insinuation clearly is that the pledges given by the Hon'ble the Chief Minister were not sincere. I do not support this insinuation. I believe that the pledges given were sincere and now I invite him to implement those pledges, I invite him to avail himself of this opportunity and examine this resolution and see if this will give him another opportunity to make an honest and sincere attempt to realise the dream of his life.

Mr. SARAT CHANDRA BOSE: The debate may now be closed.

Mr. SPEAKER: I would now ask the Hon'ble the Finance Minister to reply, and after that the Hon'ble the Chief Minister will give a reply.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, so far as the basis of this resolution is concerned, I think, there is no disagreement in this House. But it is only with the question of finance that there is some difficulty. We have sincerely tried our best but have found that without taxation free primary education if it is to be made compulsory is practically impossible.

Mr. SARAT CHANDRA BOSE: Question.

The Hon'ble Mr. NALINI RANJAN SARKER: My friend, the honourable Leader of the Opposition, questions my statement. The honourable Leader of the Opposition, in the programme of work which he read out to this House about a week ago, mentioned "primary education without taxing the cultivators". So he also recognised when drafting that programme that some sort of taxation is necessary for primary education to be made compulsory, but all he wanted was that cultivators should be excluded.

Mr. SARAT CHANDRA BOSE: The present resolution also says that.

The Hon'ble Mr. NALINI RANJAN SARKER: Yes, that is the resolution and I can say this that if it is the desire of the House that excluding the cultivators, the cost of primary education should be realised from others, certainly this Government will try its best to formulate schemes, although we know there are difficulties in the way. If the Leader of the Opposition and his party wants that the cultivators should be excluded, and middle classes, professional men, zemindars and businessmen should be taxed to defray the expenses of primary education, certainly we shall make an attempt to do so. But the difficulty is that you cannot tax the income of the businessmen because that is a Central subject. All that we have to do is to tax the agricultural income and some other taxes will have to be imposed which the middle classes and zemindars will have to bear. Without taxation, it would be impossible to give effect to compulsory primary education.

At the time when my friend, Mr. Afzal was speaking, I heard the honourable Leader of the Opposition interjecting "What about pledges?" I admit that the Praja Party pledges could not literally be given effect to because it was a Coalition Government. The parties supporting the Government were not all of them prepared to support the Praja Party programme to the letter. There was some compromise and in the agreed settlement between the Prajas and the League, the question of compulsory primary education without taxation was purposely omitted. But the honourable Leader of the Opposition is an astute politician. He is one of the leaders of the greatest political organisation in India. From his own experience, he will find that it is not so easy to give effect to election pledges letter for letter.

Mr. SARAT CHANDRA BOSE: We have not yet had the chance.

The Hon'ble Mr. NALINI RANJAN SARKER: He had the chance. He came to the Assembly in order to wreck this constitution which was the foremost item in his programme. But now we find that he is dying to occupy the Treasury Benches. (Question, question" from the Opposition Benches.) Everybody knows that during the election time, they shouted from housetops that their sole purpose for going to the Assembly was to wreck the Constitution. Everybody knows that. But they are now anxious to work the Constitution with efficiency and with great zeal and enthusiasm. What is more, even in this province, where they are in a minority, they are trying their level best to occupy the Treasury Benches. So the honourable Leader of the Opposition ought to realise that it is not always possible to respect the first election pledge to the very letter.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, as I was listening to the honourable member who moved the resolution I was wondering whether I was listening to a no-confidence motion or only a simple resolution recommending some action to be taken by Government. If I am not mistaken, practically the whole of his speech was full of diatribes against the Hon'ble the Chief Minister; as to what he has done or not done, what he has attempted and what he has failed to achieve. I may tell honourable mover as well as those who are similarly inclined that it will not advance the best interest of the country by one single inch by abusing the Ministers and by hurling abuses on the head of the Government: abuse leads nowhere. If you have the courage, if you have the originality, if you have the imagination, come forward with definite plans instead of roaming in the fields of imagination and fancy but don't try to throw dirt on the people who have been doing their best to serve the country at least with a devotion as sincere and as keen as that of the honourable member who has moved this resolution. The Act of 1930 to which reference has been made by Mr. Tamizuddin Khan is really an ill-fated Act. I may remind the House that at that time I was a member of the old Council and I was the only Muslim member who opposed the Act, because I was definitely of opinion that it would be unfair to tax the cultivators who are already overburdened with taxation in this province. But, Sir, although I spoke vehemently against the Bill, the feeling in favour of the Bill was so great inside and outside the Council that I was forced, when the time came for voting, to vote in support of the Bill. But, Sir, I never believed in the Act, and when I took office in April 1937, I waited for some time to find out some avenues of escape, so that I might have primary education introduced without having recourse to the provisions of that Act. For 3 whole months, Sir, I waited and waited. I consulted—I confess that no alternative scheme

suggested itself to me. I consulted the Chairman of District Boards whether they were willing to take the burden on themselves. I consulted the Chairmen of Union Boards and many others but the result was a sad disappointment to me. I therefore decided that recourse must be had to the provisions of the Act that was then existing and in the meantime to try and find out some alternative methods. As I have said several times in this House, that if any workable scheme can be made out, I should be the first person, and with the greatest possible pleasure, to give up having recourse to the Act of 1930. Sir, I will give the House some idea of the magnitude of the problem and how useless it is to talk of alternative schemes without realising the difficulties that lie in the way. Roughly speaking, Sir, there are about a lakh of villages in Bengal. Some of these villages are so big that they require not 2 but even 3 primary schools and in some of the districts of Eastern Bengal communications are so unsatisfactory that it is impossible for young children to walk long distances across small rivers and khals and streamlets in order to reach the primary schools and go and attend their lessons by walking this distance from their homes. But even supposing that we have one village school for every village, we require to supply one lakh of villages with one primary school each. Assuming, Sir, and taking a very cheap estimate, that a primary school is to consist of 3 teachers— the headmaster on Rs. 12 and two other teachers on Rs. 10 and Rs. 8 respectively—the cheapest estimate that can be made will at least be Rs. 360 a year, which means a cost of Rs. 3,16,00,000 for having primary education on that scale throughout the province, and even then many of the villages will be only insufficiently provided for. Therefore I may take it roughly that it requires an expenditure of Rs 4 crores a year in order to have primary education introduced throughout the province. (Cries of "question' 'question' from the Opposition Bench.) It is no use talking of compulsory primary education unless you can make education free and available to the people of the province; it is no use making it penal for a poor cultivator who does not give his boy education unless you can bring it within his reach. Therefore, before you talk of compulsory education you must make provision for universal education throughout the province. Sir, where are we to get this 4 crores from? (Cries of "reduce your expenditure, one lakh is sufficient for this".) Well, Sir, we may reduce expenditure but how much will that give you? You also say: "Do not embark upon big schemes." Then, shall we remain where we are? Sir, the House will have to remember that if all the available resources of Government are pooled together and made available for the purpose of introducing primary education, then all other sources of activities of Government will have to be closed, people will not have schemes for rural public health, and rural dispensaries, or good water supply or anything of the kind, by plumping everything on primary education. So far as this particular point is

concerned, Sir, I am sure that it is abundantly clear to those who have come here to bring a sober judgment to bear upon the problem and not merely to abuse the Ministers, that it is a very difficult problem indeed to find the necessary money for introducing primary education in Bengal. Now, Sir, I have tried to introduce primary education, and, as a matter of fact, I have already set up District School Boards. I found that 12 such Boards had already been set up and I added 8 more and it was my intention to have primary education introduced in at least 12 of the districts of Bengal by the beginning of the year 1939. Unfortunately, however, the floods came with news of distress from various quarters, and I am very sorry to say that the landlords came forward with deputations after deputations asking me to suspend the imposition of the education case. Now, Sir, if it is the desire of the House that the cultivator should be exempted, why then should the landlord not take up the burden? Why should they come forward to have the imposition of the cess suspended? So far, however, as the Government is concerned in regard to this resolution, I am only awaiting the verdict of this House. I have set up a Primary Education Committee. I will place the whole debate before them and I will invite schemes. But, meanwhile, if the resolution is accepted, I will take it that it is the desire of all sections of this House that the primary education cess should be imposed, because, although the cultivator has got an excuse on the ground of poverty the landlord cannot come forward with any excuse to offer. Therefore, Sir, it is the duty of the landlords to take up the burden upon themselves and thus to free the cultivators from paying this cess. I say here and now that there are many applications pending for the suspension of this cess, and if this resolution is carried, then I will take it that there is no case made out for the suspension of the primary education cess in any district. I will enforce the cess, and, Sir, enforce it with a vengeance. (Cries of "with a vengeance?") Yes, most certainly, with a vengeance. I will not hear of any excuse, I will free the cultivators and take the earliest opportunity of putting the burden on every one but the cultivators, and I should like to see the amount of patriotism which exists in all those who talk big inside this Legislative Assembly. Sir, it is no use talking, it is one thing to talk and it is another thing to bear the burden. If you are really sincere for the cultivators—I am sure there are many on that side who are sincere and there are also many who are not—I will put them to this test: come forward and bear this burden. (The Hon'ble MR. H. S. SUHRAWARDY: Voluntarily.) Yes, voluntarily, as my friend says. So far as the present position is concerned I proposed to make one more attempt to find out if the money or at least a substantial portion of the money can be found from other sources. It will be no pleasure to me to embark on taxation, be it on the cultivators or on somebody else. It is no use saying that taxation is unnecessary, because taxation is always unwelcome, but for a measure

like primary education, I submit that it should be clear to every one in this House that somebody has got to be taxed. Sir, the election pledges given by the Praja Party and the election pledges given by the League were all merged in the one common programme of the Coalition Party. And therefore we say that it should be introduced without putting a burden on those who are unable to bear it, which means that somebody else has got to bear it, if not the cultivator, then some person. I should like to find out who that person is and as soon as I discover him I shall put the whole responsibility upon his shoulder to get the primary education introduced in this province. It will not take me long to find out who that person is. We have got a good Criminal Investigation Department, and it will not take me long to find out the person who wants to be taxed, and it will not be very long when he will find the burden of taxation clinging round his neck and he will never talk——.

Mr. JOGESH CHANDRA GUPTA: Why can't you take the jute tax money?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not like to be advised, I know whom to tax.

Now, Sir, it has been said by my friend who has moved the resolution that I have not explored all the avenues, I have not taken any steps, I have not done my little part in introducing primary education in Bengal. Sir, I am prepared to face the indictment. Let a plebescite be taken throughout Bengal, and I am certain that the verdict will be in my favour—. (A MEMBER FROM THE OPPOSITION—Support the resolution.) I do not care whether the resolution is carried or not.

Sir, I am quite sure that no human being in any province in India has been able to do what we have done in Bengal. Who has, in India, done more than I have done. I challenge the rest of India put together to come forward and show that they have done more than I have done—(Laughter from the Opposition). It is no use laughing and howling, but the stern fact is there that truth is very bitter.

Coming to the resolution, Sir, I summarise the position like this. I agree that we should try our best not to tax the cultivator. In that sense I welcome the resolution, and I will consider the various speeches that have been delivered and await a fully drawn out scheme as an alternative to the scheme based on the 1930 Act. I shall put the whole debate before the Primary Education Committee and if no other alternative is forthcoming, I will enforce the Act, or if necessary, I will frame another Act which will free the cultivator entirely from the taxation provided in the Primary Education Act.

Mr. SPEAKER: The question before the House is that this Assembly is of opinion that immediate steps be taken for the introduction of free and compulsory primary education in the province of Bengal including Calcutta and all other municipal areas and that while all parts of the province both rural and urban including the city of Calcutta should be called upon to contribute to the cost of primary education and should be included within the scope of one single Act, the cultivators of the province should be excluded from the burden of any such taxation on the ground that they have to bear an additional commodity tax on jute yielding an annual revenue of 3·50 crores to the Central and Provincial Governments.

The resolution was then put and agreed to.

Representation of the Communities in the Services.

Mr. MIA MD. ABDUL HAFIZ: Mr. Speaker, Sir, I beg to move that with a view to give effect to the assurances given by the Hon'ble Chief Minister in the course of the debate on the cut motion moved by Maulvi Tamizuddin Khan on the 10th March, 1938, regarding the question of fixing a high percentage of appointments of Muslims and Scheduled Castes in Public Services this Assembly is of opinion that the following percentages be fixed, viz:—

		Per cent.
Muslims	...	... 60
Scheduled Castes	...	... 20
Rest	...	... 20

for all appointments in various branches of the Public Services.

Mr. JOGESH CHANDRA GUPTA: On a point of information and also on a point of order, Sir. More than 90 per cent. of the members of the Opposition sent in a written requisition for the priority of resolution No. 216 which is a comprehensive one and which includes within its scope the functions of the Public Service Commission, the proportion of representation in the services and the rules for recruitment. May I know, Sir, whether consent to that resolution has been given?

Mr. SPEAKER: No, consent has not been given.

Mr. JOGESH CHANDRA GUPTA: Sir, a copy of the resolution was sent to the Hon'ble Finance Minister, and may I know if consent has been refused? Will the Finance Minister kindly state why that comprehensive resolution——

Mr. SPEAKER: Anyway, I do not think it is open to the honourable member to ask why it has been refused. You can put a short notice question which will be permissible. All I can say is that so far as I am concerned, I have received information that the consent has not been given.

Khan Sahib HAMIDUDDIN AHMAD: Mr. Speaker, Sir, I beg to——

Dr. NALINAKSHA SANYAL: On a point of order, Sir.

Before I refer to my point of order, may I draw, Sir, your attention to the fact that you said that the mover would simply move the motion, but others will not speak? My point of order in this connection is, that I feel that under certain sections of the Government of India Act where special provisions have been made about the permissibility of such resolution, this resolution is not in order. Section 241——

Mr. SPEAKER: Are you making the same arguments as Mr. Suhrawardy has done?

Dr. NALINAKSHA SANYAL: No, Sir. That is a different section altogether. Section 241 relates to recruitments and conditions of services. Sub-section (*b*) of that section states, "in the case of services of a province and posts in connection with the affairs of a province, by the Governor or such person as he may direct". The Joint Parliamentary Committee's comments on the basis of which this section was framed, are that "the Ministers will be no less bound to remember that advice on matters affecting the organisation of the permanent executive services is a very different thing from advice on matters relating to legislative policy." Accordingly in the Instrument of Instructions, the Governors have been definitely given directions as to how they will interpret their special responsibilities with regard to the minorities. It is stated there "our Governor shall interpret the said special responsibility as requiring him to secure a due proportion of appointments in our services to the several communities," and he shall be guided in this regard by the accepted policy prevailing before the issue of these instructions "unless he is fully satisfied that modification of that policy is essential in the interest of the communities affected or of the welfare of the public." I may also submit to you, Sir, that a general resolution in the terms as framed, militates against certain other provisions of the Government of India Act where special provisions have been made with regard to certain special classes of appointments. This resolution relates to all appointments in the various branches of public service. I submit, Sir, that so far as the police appointments, Irrigation appointments and the appointments of Judges and munsifs are concerned, there are special provisions made

in that Act itself. Unless, therefore, this resolution purports to exclude those appointments which have been specifically provided for in the Act, I submit that this resolution is out of order.

Mr. SPEAKER: I take it, Dr. Sanyal, you refer to section 241(*b*). Is it your contention that it means "Governor in his discretion"?

Dr. NALINAKSHA SANYAL: Lest it be interpreted otherwise, I had to refer to the Joint Parliamentary Committee's interpretation; and the Joint Parliamentary Committee stated, "he will be indeed generally bound to act in his own discretion, etc." I submit that in this regard the Governor is entirely to act in his own discretion as the subsequent Instrument of Instructions and the Joint Parliamentary Committee's explanations show. I submit, Sir, that this is my further argument. Where the law is not sufficiently expressive we have to refer to the history of the enactment, and the history of the enactment shows as also the subsequent Instrument of Instructions that the intention was otherwise. I also submit that with regard to the other matter there are certain sections of the Act relating to some other posts which also come under the general framing of this resolution, and in this view I submit that this resolution is out of order.

Mr. SPEAKER: I have been called upon to decide the question whether this resolution is in order or not. The reason why I hold the resolution in order is this. It is true that there has been certain references made to the report of the Joint Select Committee, but I do not find even in the report itself anything in the nature of the power of the provincial government over services of certain kinds being taken away by the statutory provisions in the Act. I take it that when a resolution of this character is moved which is of a general and all-embracing character, it is always taken subject to the limitations which have been provided in this Act. So far as the limiting provision of the Statute is concerned and as regards the interpretation, namely, in section 241(*b*), the Governor of the Province means Governor in his discretion, I do not at all admit for the time being unless something else is pointed out that the Governor means the Governor in discretion. I think that to give provincial autonomy without giving some power over the services will be autonomy in name and not autonomy in fact. That is not the Constitution under which we are functioning. The Constitution has definitely given even over services certain powers to Provincial Government subject to the limiting provisions of this Act, and while this Government is bound to give due regard to the limiting provisions of the Act, in other respects they are free to act in the matter of services.

As regards the question of minority interest to which my attention has been drawn, in the Instrument of Instructions while I find that

the Governor has been given power over protecting minority interest, I do not find anything in this resolution by which I can hold even by stretch that this resolution will act to the detriment of the minority interests, and as that is not so, I hold that this resolution is in order. For the time being it is not necessary for me to say anything further except that I hold this resolution to be in order.

As the time is up—it is 8 o'clock—I think the discussion will have to be continued till to-morrow. The best thing which I can do is to conclude it by saying that the House stands adjourned till 4-45 p.m. to-morrow.

Mr. SARAT CHANDRA BOSE: Mr. Speaker, I desire to raise a further point of order.

Mr. SPEAKER: I am sorry; you can do it to-morrow.

Adjournment.

The House was then adjourned till 4-45 p.m. on Thursday, the 25th August, 1938, at the Assembly House, Calcutta.

Proceedings of the Bengal Legislative Assembly assembled under the provisions of the Government of India Act, 1935.

THE ASSEMBLY met in the Assembly House, Calcutta, on Thursday, the 25th August, 1938, at 4-45 p.m.

Present:

Mr. Speaker (the Hon'ble Khan Bahadur M. AZIZUL HAQUE, C.I.E.) in the Chair, ten Hon'ble Ministers and 226 members.

QUESTIONS AND ANSWERS

Mr. SPEAKER: We will begin with starred question No. 217 set down for to-day.

Dr. NALINAKSHA SANYAL: Sir, you ruled yesterday that yesterday's starred questions would be taken up as if they were all answered, and if anybody wanted to put supplementary questions they would be taken up to-day. If that is so, Sir, may I submit that——

Mr. SPEAKER: You want yesterday's starred questions to be finished first?

Dr. NALINAKSHA SANYAL: Yes, Sir.

Mr. SPEAKER: All right, I do not mind.

STARRED QUESTIONS

(to which oral answers were given)

Sale of Khas Mahal raiyati holdings of Noakhali.

*154. **Mr. SYED ABDUL MAJID:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(a) the number of Khas Mahal *raiyati* holdings put up to the revenue sale held in June, 1938, by the Collector of Noakhali;

(b) the number of such holdings that were sold in that sale;

(c) whether the Revenue Sale Law was applied for the recovery of arrears of rent of such holdings; and

(d) whether it is a fact that Khas Mahal *raiyatis* were never put to revenue sale before January, 1938, in this district?

MINISTER in charge of the REVENUE DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (a) 127.

(b) 24.

(c) Yes.

(d) No.

Acreage of land covered by Khas Mahal, tea gardens, forest, etc.

***155. Mr. DAMBER SINGH GURUNG:** (a) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state what is the acreage of land covered by—

(i) *khas mahal*;

(ii) tea gardens;

(iii) forest; and

(iv) private zemindari lands in the district of Darjeeling?

(b) What is the revenue derived by the Government from each of these lands for the last three years, year by year?

(c) What is the rate of rent per acre for the above (a) (i), (ii) and (iv) class of lands charged by the Government?

(d) What is the approximate yield (in cash) from (a) (i) and (ii) class of lands?

(e) What is the rate of rent fixed by the Government chargeable from the tenants from (a) (iv) class of lands?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) to (d) A statement is laid on the table.

(e) No such rate has been fixed.

Statement referred to in the reply to clauses (a) to (d) of starred question No. 155.

	Acres.
(a) (i) *Khas Mahal—Acreage—*	
(1) Rural	293,242·53
(2) Town	2,513·89
(ii) Tea gardens	167,231
(iii) Forest	289,595
(iv) Private zemindari land	9,943·20

(b) *Revenue*—

	1935-36.			1936-37.			1937-38		
	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.
(i) Rural Khas Mahal ..	2,47,155	15	0	2,46,994	2	0	2,47,008	0	0
Town Khas Mahal ..	26,949	9	3	27,172	3	8	27,615	5	3
(ii) Tea garden ..	1,01,450	0	0	1,01,501	0	0	1,01,539	0	0
(iii) Forest ..	4,28,913	0	0	4,16,116	0	0	4,18,274	0	0
(iv) Private zemindari ..	316	0	0	316	0	0	316	0	0

(c) (i) *Khas Mahals—Rate of rent*—

	Panikhet per acre.			Sukhakhet per acre.			Waste land per acre.		
	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.
I. Kalimpong Khas Mahal—									
Group I ..	1	10	0	1	8	0	0	4	0
Group II ..	1	5	0	1	3	0	0	4	0
Group III ..	0	14	0	0	13	0	0	3	0
Group IV ..	0	12	0	0	11	0	0	3	0
Group V ..	0	10	0	0	9	0	0	3	0

	Panikhet per acre.			Sukhakhet per acre.			Waste per acre.			Homestead per acre.		
	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.	Rs.	a.	p.
II. Waste Teesta—												
Group I ..	1	10	0	1	8	0	0	4	0	1	12	0
Group II ..	1	5	0	1	3	0	0	4	0	1	8	0
Group III ..	0	14	0	0	13	0	0	3	0	1	4	0

Cardamom at Rs. 10 per acre.

III. Reiling Estate—												
Group I ..	1	4	0	1	0	0	0	4	0	1	0	0
Group II ..	1	4	0	0	11	0	0	4	0	1	0	0
Group III ..	1	4	0	0	6	0	0	4	0	1	0	0

Cardamom at Rs. 10 per acre.

IV. Kolbong Murmidang—												
Group I ..	1	4	0	1	0	0	0	6	0	1	0	0

There are no other groups.

Cardamom at Rs. 10 per acre.

V. Terai Khas Mahal—

	Per acre. Rs. a. p.
Rupini—	
1st class	3 0 0
2nd class	2 14 0
3rd class	1 14 0
Danga—	
1st class	0 15 0
2nd class	0 12 0
3rd class	0 6 0
Sal	2 4 0
Homestead, Bamboo and Garden	0 12 0
New Fallow	0 15 0
Old Fallow	0 4 6

Different rates of rent prevail in Town Khas Mahals.

(c) (*ii*) *Tea Gardens*—

In Terai flat rate of Rs. 2 per acre.

In the hills flat rate of Re. 1-8 per acre is being charged at present.

(c) (*iv*) *Zamindari lands (Karmi Estate)* A lump annual revenue of Rs. 316 is charged from the only Zamindari lands (Karmi Estate) in the district.

(d) *Khas Mahal—Approximate yield*—According to Settlement Report of Kalimpong Government Estate of 1919-21 the approximate yields (cash) from—

Class—	Panikhet. Rs. a. p.	Sukhakhet. Rs. a. p.
I	43 12 0	25 11 0
II	32 12 0	25 11 0
III	22 8 0	18 3 0
IV .. .	22 8 0	15 4 0
V	14 8 0	11 4 0

But during the last 3 or 4 years the price of paddy and maize has gone down and the approximate average yield (cash) are—

Panikhet (paddy) at Rs. 20 to Rs. 24 per acre.

Sukhakhet (maize) at Rs. 22-8 per acre.

The approximate yield of cardamom is Rs. 108 to Rs. 150 per acre out of which half may be deducted as cost of production.

Tea gardens—Approximate yield not available.

Adopting procedure of Act II of 1859 in the Western Duars and Terai khas mahals.

***156. Babu KHAGENDRA NATH DAS GUPTA:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact—

(*a*) that the Government have discontinued in the Western Duars and Terai *khas mahals* the certificate procedure for recovery of arrear rents from *jotedars;*

(*b*) that Government are taking recourse to the procedure laid down in Act II of 1859 by selling off the entire *jotes* of *jotedars* in auction for such arrear rents;

(*c*) that the latter course has been causing more hardship to the non-defaulting co-sharers and *jotedars;* and

(*d*) that the Government in the Western Duars and Terai *khas mahals* have yet taken no action to recover rents by filing civil suits in courts as private zemindars have to do in such cases?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*) Recourse to such sales provided in rule 58 of the Crown Estates Manual has not been suspended yet.

(*c*) and (*d*) No.

Babu KHAGENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state whether it is a fact that Government, instead of issuing certificates, are now taking recourse to the more drastic procedure laid down in the Estates Manual by selling entire *jotes* for the recovery of arrears of rent, and, if so, is the Hon'ble Minister considering the desirability of suspending sales under the procedure laid down in rule 58 of the Crown Estates Manual by filing suits in law courts?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, it is very difficult for me to follow the honourable member if he asks so many questions all at one time.

Babu KHAGENDRA NATH DAS GUPTA: My question was: is it not a fact that Government, instead of issuing certificates, are now

taking recourse to the more drastic procedure laid down in the Estates Manual by selling entire *jotes* for recovery of arrears of rent?

Mr. SPEAKER: That is in the answer itself. Questions (*a*) and (*b*) have been answered already.

Babu KHAGENDRA NATH DAS GUPTA: What is the answer, Sir?

Mr. SPEAKER: You just see for yourself. What is the point that you are making?

Babu KHAGENDRA NATH DAS GUPTA: Whether instead of——

Mr. SPEAKER: No instead. You should ask a definite supplementary question.

Babu KHAGENDRA NATH DAS GUPTA: Is the Government considering the desirability of taking recourse to such sales provided in rule 58 of the Crown Estates Manual for recovery of arrears of rent by filing civil suits in law courts?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: As the honourable member himself knows very well, rule 58 of the Estates Manual lays down that where there is a wilful and widespread default in payment of rent, the revenue sale laws may be applied for realisation of Government dues, and Government are doing so only when they are satisfied that the conditions are such as laid down in rule 58.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state if Government is considering the desirability of selling a portion of the holding to realise arrears for rent instead of selling the entire holding?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: There is no law that allows sale of a portion of a holding.

Rate of rent in the Cox's Bazar subdivision in Chittagong.

*157. **Khan Bahadur Maulvi JALALUDDIN AHMAD:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware that the rate of rent in the Cox's Bazar subdivision is still higher than any other place in Bengal even after partial revision of the assessment of the district settlement?

(*b*) If the answer to (*a*) is in the affirmative, is he contemplating taking steps for further revision of the rents settled there?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) No.

(*b*) Does not arise.

Acreage of jotes sold and transferred in the Western Duars Government khas mahal.

*158. **Babu KHAGENDRA NATH DAS GUPTA:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) the total number and acreage of *jotes* sold and transferred in the Western Duars Government *khas mahal* during the period intervening the last two settlements, i.e., from 1915-16 to 1935-36; and

(*b*) how many of these *jotes* had passed from the hands of the Bengalis into the hands of the non-Bengalis, specially of Marwari money-lenders, *jotedars*, either through sales or ordinary deeds of transfer?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The information is being collected, but in case the compilation is not completed before the present session of the Assembly is over, it will be furnished to the member direct.

Auction sale of agriculturists' lands.

*159. **Mr. MIRZA ABDUL HAFIZ:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*i*) how many acres of land of the agriculturists have been sold in auction during the months from January to December in the year 1935 separately or totally:

(1) in the district of Mymensingh, and

(2) in the Province of Bengal; and

(*ii*) how many acres of such lands passed into the hands of the non-agriculturists separately in each month and totally also?

(*b*) Are the Government considering the desirability of bringing a Bill or amending the law concerned in such a way that the land of the agriculturists cannot pass into the hands of the non-agriculturists?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) The information is not readily available and its compilation would involve an expenditure of time and labour which is not commensurate with the advantage likely to accrue therefrom.

(*ii*) No satisfactory definition of what is a non-agriculturist has ever been evolved. It is therefore in any case not possible to answer this question.

(*b*) The matter is so complicated and difficult that Government are not in a position to consider it as a practicable proposition though in theory they agree as to the desirability of preventing land passing into the hands of non-agriculturists.

Leases for Rangvank and Saurini Estates—private zemindari lands in Darjeeling.

***160. Mr. DAMBER SINGH GURUNG:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that there are two private zemindari lands in Darjeeling, viz., Rangvank and Saurini Estates, for which tea garden leases have been granted;

(*ii*) that no tea has been planted according to the condition of the lease;

(*iii*) that the landlords have sublet the lands to the cultivators;

(*iv*) that the landlords have not given any lease to the cultivators;

(*v*) that the landlords are charging from the tenants 1 maund 10 seers to 2 maunds cardamom per acre of land for cardamom cultivation;

(*vi*) that the district and the divisional authorities after enquiry into the grievances of the tenants and the realisation of the

zemindars some time in 1926 recommended for the resumption of these estates by the Government; and

(*vii*) that the Board of Revenue turned down the recommendation and resettled the lands with the zemindars?

(*b*) Do the Government consider the desirability of resuming these estates?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) Yes.

(*ii*) No. Tea has been planted.

(*iii*) Only a portion of their lands has been sublet.

(*iv*) Government have no such information.

(*v*) Yes, but by lessees of Ranbhong Estate only.

(*vi*) and (*vii*) No.

(*b*) Does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the names of the two lessees?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state with reference to (*a*) (*iii*) where he has stated "only a portion of their lands have been sublet", for what purpose has this been sublet and on what conditions?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state whether the lessees of Rangvank estate have been realising rent from tenants contrary to the terms of their lease?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government have no information.

Flood in Malda.

*161. **Mr. ATUL CHANDRA KUMAR:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether he is aware—

(a) that the district of Malda is overflooded;

(b) that the Bhutni *diara* in the district of Malda is overflooded and its inhabitants have shifted to the other side of the Ganges; and

(c) what, if any, is the amount sanctioned for gratuitous relief?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) Parts of the district have been flooded.

(b) A large portion of the Bhutni *diara* has been affected and tenants of badly affected areas have shifted to the model village Haduatola.

(c) Rs. 5,000.

Mr. ATUL CHANDRA KUMAR: Will the Hon'ble Minister be pleased to state if the model village at Haduatola is going to be a permanent colony or a temporary one?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I think model village has nothing to do with question *161.

Mr. ATUL CHANDRA KUMAR: Yes, Sir, it has. In reply to my question (b), the Hon'ble Minister has stated "A large portion of the Bhutni diara has been affected and tenants of badly affected areas have shifted to the model village Haduatola".

The Hon'ble Sir BIJOY PRASAD SINGH ROY: What is the question? Will the honourable member kindly repeat it?

Mr. ATUL CHANDRA KUMAR: My question was: will the Hon'ble Minister be pleased to state if the model village of Haduatola is going to be a permanent colony or a temporary one?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is very difficult to answer this question at present. Very likely it is going to be a temporary one.

Mr. ATUL CHANDRA KUMAR: What was the cost for this model village?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Mr. ATUL CHANDRA KUMAR: In view of the calamitous and alarming situation, will the Hon'ble Minister be pleased to state whether he considers the desirability of declaring a famine in the district of Malda?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir.

Mr. ATUL CHANDRA KUMAR: Is the Hon'ble Minister aware that Samandi Sheikh, of village Kadamtoli, police-station Ratua; son of Parameswar Majhi aged 7 or 8 years of Bhagulpur village, police-station Englishbazar; wife of Lagan Mandal's brother of Hariargor village, police-station Englishbazar; Raghu Majhi's wife of Akandabaria in Sadipur Union, police-station Kaliachak; and two men of village Islampur, police-station Harishchandrapur,—all these people died of starvation?

Mr. SPEAKER: That question does not arise.

Excise shops in Bengal.

***162. Maulvi MD. ABDUL HAKIM VIKRAMPURI:** (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to lay on the table a statement showing for the present time—

(*i*) the total number of shops of foreign liquors, country liquors, opium, *ganja*, toddy, *pachwai*, *charas*, etc., district by district, in Bengal; and

(*ii*) the numbers of vendors—

(1) Hindu,

(2) Muslim,

(3) Scheduled Castes,

(4) Christian, and

(5) others of each kind of shops in each district?

(*b*) Will the Hon'ble Minister be pleased to state whether the Government are considering the desirability of proportionately settling shops with the Muslims and the Scheduled Castes according to their respective numerical strength?

MINISTER in charge of the FOREST and EXCISE DEPARTMENT (the Hon'ble Mr. Prasanna Deb Raikut): (*a*) Two statements are laid on the table.

(*b*) No. The *tari* and in some localities the *pachwai* shops are settled by auction with the highest bidders. The country spirit, foreign liquor and drug shops are settled under the fixed-fee system with deserving candidates (educated young men) of different communities, who are competent to undertake management. There is no discrimination either in favour of or against any particular community in granting licences.

Statement I referred to in the reply to clause (a) of starred question No. 162 showing the total number of excisable articles of different kinds, district by district, during 1938-39.

Name of the district	Foreign liquor	Country spirit	Opium	Ganja	Bhang	Charas	Toddy	Pachwai.
Burdwan	16	84	66	71	25	7	22	357
Birbhum	4	24	26	35	13	8	15	252
Bankura	1	27	26	27	18	1	4	160
Midnapore	8	59	78	70	70	.	39	226
Hooghly	7	74	71	71	50	4	53	42
Howrah	1	31	34	35	33	2	50	2
24-Parganas	23	77	126	128	78	5	119	..
Calcutta	125	54	43	46	27	8	36	..
Nadia	2	24	36	41	11	3	14	22
Murshidabad	1	29	27	32	2	2	41	61
Jessore	1	19	37	42	6	.	4	..
Khulna	2	28	38	42	10	1	1	1
Dacca	11	33	34	69	6	1	3	..
Mymensingh	10	49	29	102	5	.	2	..
Faridpur	3	13	23	31	13	.	4	.
Bakarganj	4	12	45	45	.	1	.	..
Chittagong	7	13	33	33	1	.	8	4
Tippera	7	15	23	44	3	..	..	..
Noakhali	Prohibition.		15	15	3	..	..	..
Rajshahi	2	21	16	44	3	1	12	..
Dinajpur	2	42	23	46	.	1	16	..
Jalpaiguri	7	54	16	45	2	..	..	..
Rangpur	6	41	38	62	.	..	5	..
Bogra	1	18	10	30	1	.	2	.
Pabna	3	17	9	32	2		..	..
Malda	2	31	15	37		..	48	..
Darjeeling	31	29	7	8		.	.	31
Total	287	918	944	1,284	382	45	498	1,158

STATEMENT

Statement referred to in the reply to clause (a) (i) and (ii) of starred question kind of

Name of district.	Foreign liquor.					Country spirit.					Opium.				
	H.	M.	S.C.	Ch.	Or.	H.	M.	S.C.	Ch.	Or.	H.	M.	S.C.	Ch.	Or.
Burdwan ..	..	..	8	3	5	37	7	43	..	..	38	15	19	..	..
Birbhum ..	2	..	1	..	1	15	4	5	..	..	15	5	6	..	..
Bankura ..	..	..	1	..	..	1	1	25	..	..	16	2	8	..	..
Midnapore ..	5	..	1	..	2	28	4	27	..	..	56	11	11	..	..
Hooghly ..	2	..	3	2	..	28	4	42	..	..	33	4	34	..	..
Howrah ..	1	..	..	..	..	29	2	..	..	..	29	5	.	..	..
24-Parganas ..	12	..	8	3	..	24	3	50	..	..	81	11	34	..	..
Calcutta ..	30	10	35	18	30	11	3	36	..	3	33	4	9	..	..
Nadia ..	..	..	2	..	..	11	2	11	..	..	16	4	16	..	..
Murshidabad ..	1	..	..	..	.	12	7	13	..	..	13	7	12	..	..
Jessore ..	1	..	..	..	.	18	1	..	..	..	35	2	..	..	..
Khulna ..	2	..	..	..	.	20	4	3	..	..	31	7	..	..	..
Dacca .	6	1	..	2	2	27	5	1		..	26	8	..	..	..
Mymensingh ..	7	2	..	..	1	37	10	2	.	.	22	7	..	..	..
Faridpur ..	3	..	..	..		14	..	.	1	..	27	1	1		..
Bakarganj ..	2	2	..	..	.	10	..	2	.	..	40	3	2	..	..
Chittagong ..	3	..	..	4	..	12	..	1	..	..	20	12	1	..	..
Tippera ..	2	..	..	1	..	11	3	1	.	..	18	5	..	..	..
Noakhali ..	Prohibition.										11	4	..	..	..
Rajshahi ..	2	..	..	..	..	18	3	..	..	..	14	3	..	..	..
Dinajpur ..	1	..	..	..	1	35	5	2	..	..	19	4	..	..	..
Jalpaiguri ..	7	..	..	..	..	16	2	36	..	..	10	1	5	..	..
Rangpur ..	6	..	..	..	..	34	7	..	..	..	32	6	..	..	..
Bogra ..	1	.	..	..	..	11	7	..	.	..	10	..	..	..	..
Pabna ..	3	..	..	..	..	12	5	..	..	..	9	..	..	..	..
Malda ..	1	1	..	..	..	23	2	6	.	..	10	4	1	..	..
Darjeeling ..	1	2	..	13	15	21	..	..	..	8	5	1	..	..	1
	101	18	59	46	57	515	91	306	1	11	669	136	159	..	1

N.B.—"H". indicates Hindus, "M". Muslims, "S.C." Scheduled Castes, "Ch." Christians and "Or."

(1) In case of combined shops, the same person has been shown more than once under different kinds of been shown in columns—Ganja H, Bhang H and Charas H.

(2) Where the number of vendors (as per this statement) is greater than the number of shops as per

II.

No. 162, showing number of vendors of different caste holding licence under each shop.

Ganja.					Bhang.					Charas.					Toddy.					Pachwai.				
H.	M.	S. C.	Ch	Or.	H.	M	S C	Ch.	Or	H.	M.	S. C.	Ch	Or.	H.	M.	S.C.	Ch.	Or.	H.	M.	S. C.	Ch.	Or.
33	18	26	..	.	13	8	5	..	.	3	5	1		.	..	8	14	.	.	22	7	351	..	..
19	8	8	..	.	6	3	4			4	4	..		.	..	6	9	.		23		227	..	..
16	2	9	..	.	12	..	6	..	.	1	..	..	..	.	..	1	3	..	.	1	..	159	..	..
44	14	12	..	..	44	14	12	..	..	..	..		..	..	9	2	28	.		16	7	203	..	..
33	4	34	..	.	19	3	28		..	3	..	1	..	..	35	15	3	.	..	8	1	33	..	..
30	5	..	..		28	5	..	..		2	.	.	.		38	12	..			1	1	..	..	..
82	11	35	..	.	50	8	20	..	.	3	2	.				19	100	.	.	..	..	..	..	..
36	3	11	..	.	21	2	6	.		4	..	6		..		20	11	.	4	..	..	..	..	..
21	4	16	..		7	.	4		.	1	.	2		..	.	6	8	..	.	..	..	22	..	..
15	8	14	..		1	1	1	.		1	1		.		14	4	24		.	5	..	58	..	..
40	2	.	..	..	5	1	..	..		..	.	..	.		..	1	3	..	..	..	..	..	..	..
31	9	2	..	..	9	.				1	..	..			..	1	.		.	..	..	1	..	..
53	15	1	..	.	6		..	.	.	..	1	..		..	..	3	..	..	..	..	..	..	..	..
67	31	4	..	..	4	1	..	..		..	.	..	.	.		..	2	..	..	..	..	..	..	..
33	2	3	..		13	.	1	..	..	..	..	..	..	..	..	..	3	..	.	..	..	..	..	..
41	2	2	..		..	..	..	.		1	..	..	.		..	..	..	.		.	..	..	..	..
22	11	..	..	.	1	..	.	.		..	..	..	.		3	5	..	..	.	3	1	..	..	..
36	8	1	..		2	1		.	.	..	.	..	..		..	.	.	..	.	.	..		..	..
11	4	..	..		3	..		.		..	..	.	.	..			..	..	.	..	..	..	..	..
36	8	..		..	2	1	.	.		1	..	..	.	.	.	..	..	.		.	..	..	..	..
41	5	.	..	.	..	..	..	..	.	1	..	..	..	..	10	5	1	..	..	..	..	..	..	..
30	2	13	..	.	2	.	..	..		.	.	..	.	.	.		..		..	..	..	..	..	..
54	8	..	..	.	.	..	.	.	.	..	..	.	..	.	..	5	..	.		..	..	..	..	..
22	9	..	.	..	1	..	..			..	.	..	.	..	1	1	..	.		..	..	.	..	..
25	7	1	..	..	2	..	..	.	.	..	.	..		..	..					..		..	..	.
27	7	3	.	..	..	..	..	..		..	..	..	.		19	11	18		.		..	.	..	..
6	1	..	..	1	..	..	..	.			..	.	.	.	..	.	.	.		1	..	..	30	..
904	208	195		1	251	48	87		..	26	13	10	..	.	129	125	227		4	80	19	1054	30	..

Others, including Limited Companies.

shops, e.g., if *A* (a Hindu, say) is the vendor of a combined shop of ganja, bhang and charas, he has

Statement I, it is to be presumed that there are cases of joint licensees.

Mr. MIRZA ABDUL HAFIZ: Is the Hon'ble Minister aware that only 6 per cent. of the vendors are Mahomedans?

The Hon'ble Mr. PRASANNA DEB RAIKUT: That may be so.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state whether he considers the desirability of letting out foreign liquour shops to the highest bidder instead of a fixed-fee system?

Mr. SPEAKER: That question does not arise here.

Mr. SYED JALALUDDIN HASHEMY: Yes, Sir, it does. May I explain?

Mr. SPEAKER: Order, order. Next question.

New excise shops opened since 1st April, 1937.

***163. Mr. CHARU CHANDRA ROY:** (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to lay on the table a statement showing for the period from the 1st April, 1937, to the 30th June, 1938—

(*i*) how many new shops of *ganja*, foreign liquor and country liquor have been opened;

(*ii*) the location;

(*iii*) what amount of revenue the Government are getting from them annually;

(*iv*) how many shops of those articles have been closed in working out the policy of prohibition; and

(*v*) what amount the Government used to get from them as annual revenue?

(*b*) Is it a fact that there was no shop of any sort of intoxicating drugs in the village of Basail, police-station Basail, in the district of Mymensingh, up to the year 1937?

(*c*) Is it a fact that a new shop of *ganja* has been opened in the village of Basail in the beginning of the year 1938?

(*d*) What are the reasons for opening the shop?

(*e*) Are the Government considering the desirability of closing the shop immediately?

(*f*) If the answer to (*e*) is in the negative, will the Government be pleased to state the reasons for opening new shops in new localities at the time when the Government are following the policy of prohibition?

The Hon'ble Mr. PRASANNA DEB RAIKUT: (*a*) A statement is laid on the table.

(*b*) and (*c*) Yes.

(*d*) The local Excise Licensing Board recommended it.

(*e*) No.

(*f*) New shops are opened on the recommendations of the Licensing Boards to meet the legitimate demand of the consumers and to discourage illicit traffic in spirit or drugs. The policy of prohibition is in an experimental stage and meanwhile the existing policy will continue.

Statement referred to in the reply to clause (a) (i) to (v) of starred question No. 163, showing the number of new shops of ganja, foreign liquor and country spirit opened during the period from the 1st April, 1937, to the 30th June, 1938.

District.	Number of new shops opened during 1937-38.			Location	Total revenue derived therefrom during 1937-38.	Total revenue derived therefrom during the first quarter of 1938-39.	Number of new shops opened during the period from 1st April, 1938 to 30th June, 1938.			Location.	Total revenue derived therefrom during the first quarter of 1938-39.	Number of shops closed in working out the policy of prohibition.	Amount of annual revenue used to be got from them.
	Ganja.	Foreign liquor	Country spirit.				Ganja	Foreign liquor.	Country. spirit.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14
					Rs.	Rs.					Rs.		Rs.
Burdwan ..	1	..	4	Mulkati (C. S.) Kashiara (C.S.) Kajora (C. S.), Boro (C. S. and G.)	1,148	286	..	1	3	Burnpur (F. L.) Haldinawpara (C. S.) Sripur (C. S.).	440	4 country spirit shops.	4,349
										Pamdaveswar (C S.)		2 Foreign liquor shops.	
Birbhum ..	1	.	.	Lohapur ..	132	33	..	.	..	....	..	..	..
Bankura ..	Nil	..	..	....				..		Nil.	..	..	..
Midnapore ..	..	1	3	Jhargram (F L) Tengra (C. S), Madpur (C. S) Narajole (C.S.).	21,135	5,283	3	1	3	Ranishak (G), Pingla (G.), Teropekhia (F. L), Danton (C. S.), Gopiballavpur (C. S.), Thekuachakhat (C. S. and G.).	581	..	..
Hooghly ..	1	..	..	Hazipur ..	217	54	.	..	..	....	..	..	..
Howrah ..	2	..	..	Munshirhat, Dewantala.	1,274	318	..	..	..	....	..	..	..
Calcutta ..	Nil	..	..	...	..	..	..	..	..	....	..	..	..
24-Parganas ..	4	..	3	Nilugunj (G), Nungi (C S.) Tentulia (G), Neluahat (G), Balakhali (C. S.), Kabiraj (C S).	27,668	6,917	..	..	..	....	..	..	..
Nadia ..	Nil	..	..	....	..	..	3	..	1	Gopalnagar (G), Anduiberia (G), Nira (C. S. and G).	192	..	..
Murshidabad ..	Nil	..	..	....	..	..	..	..	..	....	..	..	..

Jessore ..	..	..	1	Shyamkur ..	148	36	..	..	..	..	..	..	..
Khulna ..	..	..	2	Nakipur, Batlaghata.	313	78	2	..	2	Garuikhali (G), Budhahatta (G. and C. S.), Chanduria (C. S.).	789	..	..
Dacca ..	..	2	1	Dacca (R. R. Dacca (O. K. Restuarant), Bhagyakul (C. S.).	1,129	328	..	2	..	Narayangunj, Dacca	330	..	..
Mymensingh ..	1	..	1	Begunbaria (G) Nagarpur (C.S)	1,301	325	2	..	.	Basail, Nachanmuhuri	646	..	..
Faridpur ..	1	..	..	Bhederganj (G.) .	588	146	..		..		..	..	..
Bakarganj ..	1		..	Kaliganj (G.) ..	164	41	.	.			..	..	..
Chittagong ..	Nil	..	..		..				..		..	..	..
Noakhali ..	Nil	..	..		..	..	.		.		..	..	..
Tippera ..	..	..	1	Ashuganj	1,362	340	.	.	..	Naohata (G)	110	..	..
Rajshahi ..	Nil	..	..		..		1	.			.	..	..
Dinajpur ..	1	..	6	Shibganj (G), Kaharol (C S), Fakirganj (C S), Bhusirhat (C.S), Birol (C. S), Lahirihat (C S), Churaman (C.S)	3,806	557	.	.			.		
Rangpur ..	Nil	..	..		.		..	1	1	Saidpur (F L), Madarganj (C. S).	386	..	..
Jalpaiguri ..		1	1	Pathepara (G), Narathall (G and C. S), Jalpaiguri (R. R.) Hamiltonganj (G).	2,839	740	..	..	..		.	..	..
Bogra ..	Nil	..	..		..	.	..	..	.		..	..	..
Pabna ..	Nil	..	..		..	.	..	.	.		..	..	..
Malda ..	Nil	..	..		.		.	.	.		..	..	..
Darjeeling ..	..	..	2	Siliguri, Sombarihat.	23,511	5,877	..				..	..	..
	16	4	25		36,735	21,359	11	5	10		3,474		

G. = Ganja.
C.S. = Country spirit.

F L = Foreign liquor
R.R. = Railway Refreshment Room.

Mr. CHARU CHANDRA ROY: Will the Hon'ble Minister be pleased to state what Government mean by prohibition? My submission is that ganja shops have increased during the period from 1st April, 1938 to 30th June, 1938.

Mr. SPEAKER: Order, order. You should ask that in the form of a question.

Dr. H. C. MUKHERJI: With reference to answer (*f*), will the Hon'ble Minister be pleased to state what is the constitution of the licensing board, so far as this particular village is concerned—I mean the members of this licensing board?

The Hon'ble Mr. PRASANNA DEB RAIKUT: I could not catch the honourable member, Sir.

Dr. H. C. MUKHERJI: My question was that with reference to answer (*f*) I want to know the names of the members of the licensing board.

The Hon'ble Mr. PRASANNA DEB RAIKUT: I want notice.

Dr. H. C. MUKHERJI: Will the Hon'ble Minister be pleased to state whether there is anyone included in this local licensing board who is against the extensive use of ganja?

Mr. SPEAKER: That question does not arise.

Dr. H. C. MUKHERJI: Will the Hon'ble Minister be pleased to state whether it is a fact that there is a likelihood of an increase in the number of excise shops in between April and the end of the current year seeing that already there are 25 shops which are licensed?

The Hon'ble Mr. PRASANNA DEB RAIKUT: It is very difficult to say whether there will be any increase or not.

Recruitment of constables from different communities in Bakarganj in the last five years.

***164. Mr. ABDUL WAHAB KHAN:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to lay on the table a statement showing for each of the years, viz., 1933-34, 1934-35, 1935-36, 1936-37 and 1937-38 in the district of Bakarganj—

(*i*) the total number of candidates recruited in the rank of constables, showing separately the armed and ordinary branch and of them the number of Mussalmans, Scheduled Castes, caste Hindus and Christians recruited in the Police Department;

(ii) the total number of constables promoted to the rank of Assistant Sub-Inspector and the number of Mussalmans, Scheduled Castes, caste Hindus and Christians;

(iii) the total number of Assistant Sub-Inspectors promoted to the rank of Sub-Inspector and the number of Mussalmans, Scheduled Castes, caste Hindus and Christians among them; and

(iv) the total number of Sub-Inspectors promoted to the rank of Inspector and of them the number of Mussalmans, Scheduled Castes, caste Hindus and Christians?

(b) Will the Hon'ble Minister consider the desirability of issuing instructions to the District Police authorities to supply, at the end of each year, a statement of the total number of constables recruited and of them the number of Mussalmans, Scheduled Castes, caste Hindus and Christians to the Local M.L.A.'s of the district, as the Government has done in the matter of appointments in the Collectorate?

MINISTER in charge of the HOME DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (a) A statement is laid on the table.

(b) No. It is not the policy of Government to supply such a statement in the manner suggested either for appointments in the Collectorate or in the Police. The half-yearly census of Government servants will give information to all M.L.A.'s simultaneously.

Statement referred to in the reply to clause (a) of starred question No. 164.

(i)

Year.	Mussalman.	Scheduled Caste.	Caste Hindu.	Christian.	Gurkha.	Total.	Remarks.
Constables (Unarmed Branch).							
1933 ..	3	..	11	..	..	14	
1934 ..	16	..	30	..	..	46	
1935 ..	16	2	21	1	..	40	
1936 ..	23	1	26	1	..	51	
1937 ..	18	1	16	..	..	35	
1938 .. Up to 31st July.	10	2	5	..	..	17	
Constables (Armed Branch).							
1933 ..	..	..	10	..	28	38	
1934 ..	2	..	25	..	32	59	
1935 ..	9	..	14	..	20	43	
1936 ..	13	..	15	..	13	41	
1937 ..	4	..	5	..	9	18	
1938 .. Up to 31st July.	..	..	1	..	2	3	

(ii)

Year.	Mussalman.	Scheduled Caste.	Caste Hindu.	Christian.	Total.	Remarks.
Constables promoted to the rank of Assistant Sub-Inspector.						
1933 ..	..	..	..	..	..	
1934 ..	2	..	2	..	4	
1935 ..	3	..	4	..	7	
1936 ..	1	..	2	..	3	
1937 ..	5	1	4	..	10	
1938 .. Up to 31st July.	2	..	1	..	3	
(iii) *Assistant Sub-Inspectors promoted to the rank of Sub-Inspector.*						
1933 ..	..	..	1	..	1	
1934 ..	..	..	1	..	1	
1935 ..	1	..	1	..	2	
1936 ..	..	..	1	..	1	
1937 ..	..	..	2	..	2	
1938 .. Up to 31st July.	..	..	3	..	3	
(iv) *Sub-Inspectors promoted to the rank of Inspector.*						
1933 ..	..	..	..	..	..	
1934 ..	1	..	..	..	1	
1935 ..	..	..	1	..	1	
1936 ..	1	..	..	..	1	
1937 ..	..	1	..	(a) 1	2	(a) One Sergeant promoted to the rank of Inspector.
1938 .. Up to 31st July.	..	1	..	..	1	

Cases of abduction of women in Malda district.

*165. **Mr. ATUL CHANDRA KUMAR:** Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to lay on the table a statement showing for the last six months in the Malda district—

(a) the number of cases of abduction of women;

(b) the communities to which the abductors and the abducted respectively belong; and

(c) the number of abductors and abducted belonging to each such community?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) Three cases of abduction.

(b) In two cases the abductors belonged to the Hindu community and in the third case to the Muhammadan community. The abducted girls in all cases were Hindus.

(c) Abductors—Hindus 7, Muhammadans 7; and abducted girls 3.

Cases of dacoities in Malda district.

*166. **Mr. ATUL CHANDRA KUMAR:** Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to lay on the table a statement showing for the last three months and for thana by thana of the Malda district—

(a) the number of cases of dacoities; and

(b) the number of cases detected until now?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) Two in the thana of Gazole, and one each in the thanas of Malda, Gomastapur, Kharba, Habibpur, Englishbazar, Ratua and Bholahat.

(b) Two.

Khan Bahadur MUHAMMAD ALI: Will the Hon'ble Minister be pleased to state whether investigation is still proceeding with regard to the undetected cases?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, if the final reports have not been submitted then the investigations are still proceeding.

Khan Bahadur MUHAMMAD ALI: Will the Hon'ble Minister be pleased to state if the final reports have been submitted?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Posting of police officers.

*167. **Babu NARENDRA NARAYAN CHAKRABARTY:** (a) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether it has been the policy of the last Government or of the present Government to place police officers in their own home districts or subdivisions?

(b) If the answer to (a) is in the affirmative, when was this policy adopted and for what reasons?

(c) (i) Are any such police officers who belong to Pabna district at present serving therein?

(ii) If so, will the Hon'ble Minister be pleased to state—

(1) for how long;

(2) names, qualifications, pay and ranks of such officers;

(3) the posts they are holding at present; and

(4) how long they have been posted to their native districts?

(*d*) Will the Hon'ble Minister be pleased to state the names of the police officers posted in their own districts in contravention of Government policy?

(*e*) With reference to the answer to unstarred question No. 144 of the 11th September, 1937, will the Hon'ble Minister be pleased to state the reasons for the employment of men in their home districts where they have relatives and vested interests?

(*f*) Is the present Ministry considering the desirability of adhering to this policy?

(*g*) Will the Hon'ble Minister consider the desirability of transferring these officers from their home districts at an early date? If not, why not?

(*h*) If it is in the interest of the public service, will the Hon'ble Minister be pleased to state what is the specific public interest for which these police officers are posted in their home districts?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) The general policy followed is not to employ police officers in their home districts.

(*b*) Does not arise.

(*c*) and (*d*) The information is not readily available and its collection will entail an expenditure of time and labour which I am not prepared to impose on my department.

(*e*), (*g*) and (*h*) Do not arise.

(*f*) I do not consider it necessary to deviate from the general policy referred to in (*a*) above.

Illness among political prisoners.

***168. Rai HARENDRA NATH CHAUDHURI:** (*a*) Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state—

(*i*) the number and names of the political prisoners who are at present suffering from one or other particular illness for more than 2 months;

(*ii*) how many of them again are suffering from serious illness of a protracted nature; and

(*iii*) the number and names of those the Government contemplate releasing on medical grounds?

(*b*) Is it a fact that persons who are suffering from protracted or serious illness are kept in cells, without adequate arrangement for nursing by trained nurses and without attendants at night?

(c) Is there any arrangement for the transfer of such prisoners as are suffering from mental aberrations or showing signs of mental derangement to a properly equipped mental hospital?

(d) If the answer to (c) is in the negative, what are the reasons?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) If the member refers to persons convicted of offences connected with the terrorist movement there are 27 who have been suffering from physical disabilities of varying degrees, of whom 14 are reported to be suffering from serious illness of a protracted nature. I am not prepared to publish names. Premature release has already been sanctioned in many such cases, but I regret that I cannot anticipate the decisions which will be reached in those cases which are still under consideration.

(b) No.

(c) The hon'ble member is referred to Chapter XXXIII of the Bengal Jail Code.

(d) Does not arise.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state whether "many such cases," referred to in answer (a), are included in the 27 cases mentioned before?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think, one or two have since been released.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state if one or two have been released, how can he say in his printed answer "in many such cases"?

The Hon'ble Khwaja Sir NAZIMUDDIN: Speaking from memory, it is very difficult to say. I stand by the answer that has been printed as that is taken from the records

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state how many cases are still under consideration?

The Hon'ble Khwaja Sir NAZIMUDDIN: I ask for notice.

Rai HARENDRA NATH CHAUDHURI: With reference to question (b) and answer (b), is the Hon'ble Minister aware that in the Dum-Dum Jail sick prisoners who are suffering from protracted illness are not provided with trained nurses?

The Hon'ble Khwaja Sir NAZIMUDDIN: All those who require nursing according to expert medical advice get nurses to attend on them. As a rule, if the doctors say that a particular case requires the attendance of nurses, the patient is sent to hospital, and in other cases where it is advised that somebody should have attendance at night, they get such attendance.

Rai HARENDRA NATH CHAUDHURI: My question was: "Is it a fact that persons who are suffering from protracted or serious illness are kept in cells, without adequate arrangement for nursing by trained nurses and without attendants at night?" and his answer is "no". Will the Hon'ble Minister be pleased to state how he can reconcile with the answer given in the printed answer and his answer now, in view of the fact that there is no arrangement for trained nurses to attend the cases in the Dum-Dum Jail?

The Hon'ble Khwaja Sir NAZIMUDDIN: I said those who require nursing are never kept in cells.

Rai HARENDRA NATH CHAUDHURI: Is the Hon'ble Minister aware that there are three or four cases only in the hospital and the remaining cases are in the cells?

The Hon'ble Khwaja Sir NAZIMUDDIN: I would request the honourable member to carefully consider my reply. I said those who are in the opinion of our medical experts require expert nursing are not kept in the cells.

Rai HARENDRA NATH CHAUDHURI: My question still remains unanswered—I wanted to know whether it is not a fact that prisoners who are suffering from protracted or serious illness are kept in cells without adequate arrangement for trained nurses and the Hon'ble Minister's answer is "no". My supplementary question is whether he is aware of the fact that there are prisoners suffering from protracted or serious illness in the Dum-Dum Jails who are kept in cells without any nursing arrangement.

The Hon'ble Khwaja Sir NAZIMUDDIN: I have got nothing further to add to what I have said.

Rai HARENDRA NATH CHAUDHURI: With reference to answer (*c*), will the Hon'ble Minister be pleased to state whether it is a fact that there are two or three prisoners in the Dum-Dum Jail who are showing signs of mental dementia or imbecility, and if so, why were they not sent to the Lunatic Asylum as required under the Jail Code?

The Hon'ble Khwaja Sir NAZIMUDDIN: The prisoners referred to by the honourable member are suffering from melancholia, but they have not reached a stage for being sent to the Lunatic Asylum under the Jail Code. They have not been suffering from imbecility or mental dementia.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to get them examined by experts?

The Hon'ble Khwaja Sir NAZIMUDDIN: If I feel the necessity, I shall certainly do so. As far as the two persons mentioned by the honourable member are concerned, from the report received I do not find any justification at the present moment for removing them.

Chaukidari tax in Sultanpur Union, Midnapore.

***169. Mr. HARENDRA NATH DOLUI:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether a petition, dated the 5th June, 1937, signed by the people of Sultanpur Union, in police-station and subdivision Ghatal, within Midnapore district, was submitted to the District Magistrate of Midnapore praying for a general enquiry by the Government regarding *chaukidari* tax defalcation within the whole Union?

(*b*) If the answer to (*a*) is in the affirmative, whether any action has been taken by the District Magistrate?

(*c*) If no action has been taken by the District Magistrate, do the Government consider the desirability of holding a general enquiry into the matter by some special officer?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) No such petition appears to have been received by the District Magistrate of Midnapore.

(*b*) Does not arise.

(*c*) Government are of the opinion that a general enquiry would not serve any useful purpose.

Biren Datta, a detenu at Raninagar police-station, in Murshidabad.

***170. Mr. SASANKA SEKHAR SANYAL:** (*a*) Is the Hon'ble Minister in charge of the Home (Special) Department aware—

(*i*) that there is a detenu named Biren Datta at Raninagar police-station of the district of Murshidabad;

(*ii*) that the residential quarters of the said detenu has been under water for some time past;

(*iii*) that there has been very high flood for some time past in the Raninagar police-station area;

(*iv*) that relief work has to be carried to the said area;

(*v*) that the said detenu also is suffering from various inconveniences in the matter of supply of ration and other things; and

(*vi*) that the said detenu has already been keeping indifferent health for some time past?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the advisability of releasing the said detenu or transferring him to some other place?

The Hon'ble Khwaja Sir NAZIMUDDIN: The honourable member is referred to the communique, dated the 17th August, 1938, issued by the Director of Public Information, Bengal, a copy of which is laid on the table.

The communique referred to in the reply to starred question No. 170.

UNCONDITIONAL RELEASE ORDERS HAVE BEEN ISSUED IN RESPECT OF THE FOLLOWING 144 DETENUS WHO ARE IN DETENTION IN JAIL OR IN VILLAGE DOMICILE.

1. Babu Ramani Deb, son of Babu Sarat Chandra Deb.
2. Babu Purnendu Sen Sarma, son of Babu Jagat Chandra Sen Sarma.
3. Babu Kanti Ranjan Chatarji *alias* Dhuna, son of Babu Ram Chandra Chatarji.
4. Babu Santiswar Banarji, son of Babu Rabindra Nath Banarji.
5. Babu Snehamoy Datta, son of Babu Chandra Kanta Datta.
6. Babu Nirmal Chandra Das, son of Babu Kanak Chandra Das.
7. Babu Pramatha Nath Bhaumik, son of the late Babu Parbati Charan Bhaumik.
8. Babu Kali Das Basu, son of Babu Mati Lal Basu.
9. Babu Narendra Nath Das, son of Babu Prosanna Kumar Das.
10. Babu Subodh Chandra Mukharji, son of Babu Jatindra Chandra Mukharji.
11. Babu Amaresh Chandra Guha Roy, son of Babu Durgadas Guha Roy.
12. Babu Harendra Chandra Bhattacharji, son of Babu Mahendra Chandra Bhattacharji.
13. Babu Amulya Kumar Ghosh *alias* Nasha, son of Babu Rohini Kumar Ghosh.

14. Babu Raj Kumar Roy Chaudhuri, son of the late Babu Kalidas Roy Chaudhuri.

15. Babu Brojendra Mohan Das *alias* Bocha *alias* Doctor Da, son of the late Babu Biswambhar Das.

16. Babu Asharanjan Chakrabartti *alias* Ashutosh Chakrabartti, son of Babu Jadunandan Chakrabartti.

17. Babu Jiban Krishna Maity, son of the late Babu Kshetra Mohan Maity.

18. Babu Sudhir Adhikari, son of Babu Chandra Kanta Adhikari.

19. Babu Makhan Lal Kar, son of the late Babu Aswini Kumar Kar.

20. Babu Sukhamoy Kar, son of the late Babu Chandi Charan Kar.

21. Babu Kshittish Chandra Banarji, son of the late Babu Akshoy Kumar Banarji.

22. Babu Niranjan Sen Gupta, son of Babu Sarbananda Sen Gupta.

23. Babu Sachindra Mohan Kar, son of Babu Jamini Mohan Kar.

24. Babu Santosh Kumar Ghosh, son of the late Jnan Chandra Ghosh.

25. Babu Jitendra Mohan Shaha, son of Babu Gopal Chandra Shaha.

26. Babu Makhan Lal Datta, son of Babu Rohini Kumar Datta.

27. Babu Ashutosh Kahili *alias* Master, son of the late Babu Iswar Chandra Kahili.

28. Babu Hemendra Nath Chakrabartti *alias* Ghutu, son of Babu Heramba Chakrabartti.

29. Babu Sudhangshu Mohan Datta, son of Babu Gobinda Chandra Datta.

30. Babu Harish Chandra Das, son of the late Babu Durga Charan Das.

31. Babu Dinesh Chandra Guha Mustafi *alias* Turiananda Swami, son of Babu Nibaran Chandra Guha Mustafi.

32. Babu Haran Chandra Rakshit, son of Babu Ram Tanu Rakshit.

33. Babu Manoranjan Roy *alias* Singh *alias* Mona, son of the late Babu Basanta Kumar Roy.

34. Babu Ajit Kumar Sen, son of Babu Anukul Chandra Sen.

35. Babu Prafulla Nath Acharji, son of the late Babu Kali Charan Acharji.

36. Babu Khagesh Chandra Kar, son of the late Babu Kalinath Kar.

37. Babu Jyotish Chandra Guha, son of the late Babu Umesh Chandra Guha.

38. Babu Haran Chandra Chakrabartti *alias* Haru, son of the late Babu Dwarka Nath Chakrabartti.

39. Babu Pratul Kumar Chaudhuri *alias* Tenu, son of Babu Shashi Madhab Chaudhuri.

40. Babu Jiban Kumar Thakurta *alias* Langra, son of the late Babu Iswar Chandra Thakurta.

41. Babu Makhan Lal Pal, son of Babu Sashi Kumar Pal.

42. Babu Amiya Ballav Sanyal, son of the late Babu Radha Ballav Sanyal.

43. Babu Khagendra Kumar Sen Gupta *alias* Kebla, son of Babu Nalini Kanta Sen Gupta.

44. Babu Kshitish Chandra Bhaumik, son of Babu Chandra Sekhar Bhaumik.

45. Babu Dakshina Ranjan Mitra Majumdar, son of the late Babu Mahesh Chandra Mitra Majumdar.

46. Babu Nani Gopal Datta, son of Babu Rohini Kumar Datta.

47. Babu Satish Chandra Pakrashi *alias* Bhattacharji, son of Babu Jagadish Chandra Bhattacharji.

48. Babu Anil Chandra Das Gupta, son of Babu Amulya Chandra Das Gupta.

49. Babu Durgesh Chandra Bhattacharji, son of the late Babu Chandra Kumar Bhattacharji.

50. Babu Sachindra Nath Poddar, son of the late Babu Har Chandra Poddar.

51. Babu Sudhangshu Bimal Das *alias* Nona, son of Babu Satya Kumar Das.

52. Babu Haridas De *alias* Daga *alias* Benoy *alias* Benode, son of Babu Nabin Chandra De.

53. Babu Birendra Kumar Bhattacharji, son of Babu Kula Chandra Bhattacharji.

54. Babu Jadu Nath Bhattacharji, son of the late Babu Jagat Chandra Bhattacharji.

55. Babu Shyamendra Nath Bhattacharji, son of Babu Sitanath Bhattacharji.

56. Babu Birendra Chandra Datta, son of Babu Jagneswar Datta.

57. Babu Hirendra Chandra Lauha, son of Babu Mahesh Chandra Lauha.

58. Babu Jiban Krishna De *alias* Nirode Banarji, son of Babu Sitanath De.

59. Babu Charu Bikash Datta, son of Babu Sashi Bhusan Datta.

60. Babu Nibaran Chandra Chakrabartti, son of Babu Kali Charan Chakrabartti.

61. Babu Subodh Kumar Bal, son of Babu Sashi Kumar Bal.

62. Babu Sudhangshu Mohan Chaudhuri *alias* Cheru, son of Babu Hari Mohan Chaudhuri.

63. Babu Khagendra Nath Gupta, son of Babu Kali Kumar Gupta.

64. Babu Sudhangshu Bimal Sen, son of Babu Mahendra Sen.

65. Babu Adhir Ranjan Banarji, son of the late Babu Bepin Behari Banarji.

66. Babu Rebati Bhusan Chakrabartti, son of the late Babu Raj Mohan Chakrabartti.

67. Babu Haripada Roy, son of Babu Bankim Chandra Roy.

68. Babu Dhananjoy Kar, son of Babu Dwarika Nath Kar.

69. Babu Manindra Kumar Chakrabartti, son of Babu Basanta Kumar Chakrabartti.

70. Babu Santosh Chandra Ganguli, son of the late Babu Umesh Chandra Ganguli.

71. Babu Jogesh Chandra Chakrabartti, son of Babu Madhab Chandra Chakrabartti.

72. Babu Rakhal Chandra Ghosh, son of Babu Ram Chandra Ghosh.

73. Babu Dinesh Chandra Datta, son of Babu Srish Chandra Datta.

74. Babu Tripura Charan Sen, son of Babu Pratap Chandra Sen.

75. Babu Kshirode Kumar Datta, son of the late Babu Hara Kumar Datta.

76. Babu Bijon Behari Ghosh, son of the late Babu Jagat Chandra Ghosh.

77. Babu Sati Prasanna Ganguli *alias* Kaloo, son of the late Babu Banamali Ganguli.

78. Babu Rabindra Nath Dhar, son of the late Babu Narendra Nath Dhar.

79. Babu Atindra Mohan Roy Choudhuri *alias* Raghubir *alias* Mahananda, son of Babu Ananda Roy Choudhuri.

80. Babu Trailokya Nath Sen *alias* Nandalal, son of Babu Srish Chandra Sen.

81. Babu Saurav Kumar Ghosh, son of Babu Sudhir Kumar Ghosh.

82. Babu Dwijendra Lal Nandi, son of the late Babu Tripura Chandra Nandi.

83. Babu Narendra Chandra Barman, son of the late Babu Bepin Chandra Barman.

84. Babu Dhiresh Chandra Roy, son of the late Babu Kali Prosanna Roy.

85. Babu Jogesh Chandra De, son of Babu Hara Kumar De.

86. Babu Brojendra Nath Chakrabartti *alias* Rajani Nath *alias* Pagla, son of Babu Mathura Nath Chakrabartti.

87. Babu Satish Chandra Roy, son of the late Babu Harish Chandra Roy.

88. Babu Barada Bhusan Chakrabartti, son of the late Babu Hara Gopal Chakrabartti.

89. Babu Protap Chandra Rakshit, son of the late Babu Tripura Charan Rakshit.

90. Babu Sushil Kumar Ghosh *alias* Moni *alias* Kentoo, son of Babu Jagadish Kumar Ghosh.

91. Babu Bejoy Krishna Banarji, son of Babu Bani Kanta Banarji.

92. Babu Benoy Bhusan Sen Gupta, son of Babu Indu Bhusan Sen Gupta.

93. Babu Balai Chand Bose, son of Babu Jatindra Nath Bose.

94. Babu Jasoda Ranjan Chakrabartti, son of Babu Durga Charan Chakrabartti.

95. Babu Jamuna Behari De *alias* Karuna, son of the late Babu Chhatradhari De.

96. Babu Jatindra Nath Roy *alias* Fegu *alias* Debendra Nath Roy, son of the late Babu Parbati Charan Roy.

97. Babu Nikunja Behari Sikdar, son of Babu Gour Kishore Sikdar.

98. Babu Birendra Nath Das Gupta, son of the late Babu Niranjan Das Gupta.

99. Babu Bejoy Krishna Modak, son of Babu Benoy Krishna Modak.

100. Babu Sachindra Chandra Chakrabartti, son of the late Babu Radha Nath Chakrabartti.

101. Babu Amulya Chandra Mukharji, son of Babu Guru Prosanna Mukharji.

102. Babu Jogesh Chandra Mazumdar, son of Babu Annada Charan Mazumdar.

103. Babu Birendra Chandra Chatarji, son of the late Babu Tarini Chandra Chatarji.

104. Babu Saroj Kumar Chakrabartti, son of the late Kashi Kanta Chakrabartti.

105. Babu Dwijendra Lal Roy *alias* Mahipal, son of the late Babu Kumud Chandra Roy.

106. Babu Jyotirindra Nath Mazumdar, son of Babu Jagat Bandhu Mazumdar.

107. Babu Paresh Chandra Mukharji, son of Babu Kamini Kumar Mukharji.

108. Babu Karunamoy Datta *alias* Sadhan, son of Babu Jogendra Lal Datta.

109. Babu Broja Lal Mitra, son of Babu Hari Gopal Mitra.

110. Babu Kshitish Chandra Deb, son of the late Babu Sarat Chandra Deb.

111. Babu Pran Krishna De *alias* Khoka, son of Babu Shyama Charan De.

112. Babu Kshitish Chandra Bhattacharji *alias* Santosh Kumar Mukharji, son of the late Babu Satish Chandra Bhattacharji.

113. Babu Ramesh Chandra Ghosh *alias* Doctor, son of the late Babu Bharat Chandra Ghosh.

114. Babu Naresh Chandra Guha, son of Babu Hara Lal Guha.

115. Babu Jitendra Chandra Datta, son of Babu Jogneswar Datta.

116. Babu Biresh Chandra Gupta, son of Babu Peari Mohan Gupta.

117. Babu Narayan Chandra Chakrabartti *alias* Jiban, son of Babu Nagendra Chandra Chakkrabartti.

118. Babu Bhabani Sankar Sen Gupta, son of the late Babu Harashit Sen Gupta.

119. Babu Sudhir Chandra Sinha Chaudhuri *alias* Tona, son of the late Babu Akshoy Kumar Sinha Chaudhuri.

120. Babu Nagendra Chandra Deb *alias* Anil Datta, son of the late Babu Baikuntha Deb *alias* Baikuntha Sadhu.

121. Babu Prafulla Kumar Datta, son of Babu Prasanna Kumar Datta.

122. Babu Priya Ranjan Das Gupta *alias* Dagoo, son of the late Babu Basanta Kumar Das Gupta.

123. Babu Biraj Mohan Gostipati *alias* Biraja *alias* Satyaranjan Gostipati *alias* Satyaranjan Chakrabartti, son of the late Babu Bimala Charan Gostipati.

124. Babu Taraprosad Chakrabartti, son of the late Babu Mahini Chandra Chakrabartti.

125. Babu Radha Shyam Saha *alias* Shyam, son of Babu Gostha Behari Saha.

126. Babu Sushil Chandra Bhattacharji, son of the late Babu Girish Chandra Bhattacharji.

127. Babu Hari Kumar Roy Choudhuri, son of the late Babu Kalidas Roy Choudhuri.

128. Babu Jagat Bandhu Chakrabartti *alias* Jagabandhu, son of Babu Chandra Madhab Chakrabartti.

129. Babu Jitendra Chandra Mallik *alias* Tona, son of Babu Jogesh Chandra Mallik.

130. Babu Barada Sankar Mukutamani, son of Babu Nirode Mohan Mukutamani.

131. Babu Pran Kumar Chakrabartti *alias* Ajit *alias* Haran, son of the late Babu Lalit Kumar Chakrabartti.

132. Babu Sukhamoy Chakladar, son of Babu Surendra Nath Chakladar.

133. Babu Sushil Chandra Deb, son of Babu Harish Chandra Deb.

134. Babu Radhika Kar, son of the late Babu Rai Charan Kar.

135. Babu Haripada Kushiari, son of the late Babu Sarat Chandra Kushiari.

136. Babu Brojendra Chandra Das, son of Babu Jnan Chandra Das.

137. Babu Naresh Chandra Bhattacharji, son of Babu Dinesh Chandra Bhattacharji.

138. Babu Jagadish Chandra Chatterji, son of Babu Rajani Kanta Chatterji.

139. Babu Nikunja Chaudhuri *alias* Master *alias* Master Da *alias* De, son of Babu Chandramani Chaudhuri.

140. Babu Hiralal Pal, son of Babu Lab Chandra Pal.

141. Babu Arabinda Datta, son of Babu Srish Chandra Datta.

142. Babu Satish Chandra Sarkar, son of the late Babu Manik Chandra Sarkar.

143. Babu Sailesh Chakrabartti *alias* Kutti, son of Babu Radha Charan Chakrabartti.

144. Babu Sanjib Chandra Mukharji, son of Babu Rasik Lal Mukharji.

Prohibitory orders on certain persons on visit to Comilla in connection with All-India Krishak Sabha.

***171. Mr. NIHARENDU DUTTA MAZUMDAR:** (*a*) Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(*i*) against how many persons were prohibitory orders passed last February under the Bengal Suppression of Terrorist Outrages Act, banning their entry into the district of Tippera on the occasion of their visit to Comilla in connection with the preparation for the Session of the All-India Kisan Sabha; and

(*ii*) what are the names of these persons?

(*b*) Are any of these orders still in force?

(*c*) If the answer to (*b*) is in the affirmative-

(*i*) against whom; and

(*ii*) for what reasons?

(*d*) Whether Government were consulted and their consent obtained by the District Magistrate and in making use of the Bengal Suppression of Terrorist Outrages Act against peasant movements and organisations?

(*e*) Is the Hon'ble Minister aware that Messrs. Abdul Momin and Bankim Chakrabartti were arrested without warrant at the Comilla railway station on the 2nd February in the presence of the District Magistrate and taken forthwith into the District Jail under his verbal orders, detained in custody there, but subsequently released on the following day without any charges being preferred against them?

(*f*) If so, what are the reasons for the arrest and confinement?

(*g*) Have the Government made or do they intend to make any independent enquiry into the whole incident, particularly into the conduct of the District Magistrate?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Four.

(*ii*) Mr. Niharendu Dutta Mazumdar, Mr. Ananta Mukharji, Maulvi Abdul Momin and Mr. Probodh *alias* Bankim Chakrabartti.

(*b*) Yes.

(*c*) (*i*) Mr. Niharendu Dutta Mazumdar, Mr. Ananta Mukharji, Maulvi Abdul Momin and Mr. Probodh *alias* Bankim Chakrabartti.

(*ii*) No application for relaxation has been made to the District Magistrate.

(*d*) No. The act was not however used against any peasant movements and organisations but against four individuals.

(*e*) Yes. They were arrested under the verbal orders of the District Magistrate, Tippera; taken to the jail and detained there, and released the following day. No charges were preferred against them.

(*f*) They were arrested and detained pending the examination of their identity and movements.

(*g*) Government have already enquired fully into the whole incident.

Mr. NIHARENDU DUTTA MAZUMDAR: With reference to (*a*), will the Hon'ble Minister be pleased to state whether it is a fact that similar prohibitory orders were issued against Mr. Mozaffar Ahmed and Mr. B. Mukherji, an honourable member of this House?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as I remember, there were only four persons against whom orders were issued: there are two people against whom we wrongly issued orders because they were mistaken for Mozaffar Ahmed and the other person.

Mr. NIHARENDU DUTTA MAZUMDAR: With reference to answer (*a*) (*ii*), will the Hon'ble Minister be pleased to state if he is aware that no orders whatsoever were passed either against Mr. Abdul Momin or Mr. Probodh *alias* Bankim Chakrabarti?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is correct; that is why four names were given. The orders were not against these two persons.

Dr. NALINAKSHA SANYAL: With reference to answer (*c*) (*ii*), will the Hon'ble Minister be pleased to state the reasons and not evade it as has been done in the reply?

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit, Sir, that that is an insinuation.

Dr. NALINAKSHA SANYAL: I wanted in my question to know the reasons and the reply given is that "no application for relaxation has been made to the District Magistrate". I want the reasons to be stated.

The Hon'ble Khwaja Sir NAZIMUDDIN: I am fully prepared to reply provided the word "evade" is omitted from the question?

Mr. JOGESH CHANDRA GUPTA: On a point of order, Sir. Is the Hon'ble Minister entitled to refuse to answer a question which has been admitted by the Speaker?

Mr. SPEAKER: The Hon'ble Minister was drawing my attention to the wording of the question. What is your question Dr. Sanyal?

Dr. NALINAKSHA SANYAL: It is this, Sir: With reference to question (*c*) (*ii*), will the Hon'ble Minister be pleased to state the reasons clearly and not evade the answer as has been done in the reply given in the printed paper?

Mr. SPEAKER: The first part is in order but not the latter part.

The Hon'ble Khwaja Sir NAZIMUDDIN: The reply is the reason stated in the reply, and there is no other reason.

Dr. NALINAKSHA SANYAL: I rise on a point of order. We are entitled to obtain replies to questions as questions are put and it is for you, Sir, as the Speaker of the House, to find out if proper replies have been given or not. The Hon'ble Minister has stated that the reply is as is given in the reply. I submit, Sir, that this is no reply

to question (c) (ii); it asked "for what reason" and I want to draw your attention to it and I demand that a ruling should be given.

The Hon'ble Khwaja Sir NAZIMUDDIN: May I submit, Sir, that the member has got no right——

Mr. SPEAKER: Well, what is your question Dr. Sanyal?

Dr. NALINAKSHA SANYAL: The question is in the printed list—(c) (ii) "for what reasons", that is to say, if any of these orders are still in force, they are in force for what reasons. The answer given is "no application for relaxation has been made to the District Magistrate". It is a question of the continuity of the order and the question of the questioner is clear: the suggestion is whether the order is under the Bengal Suppression of Terrorist Outrages Act, which is an Act for dealing with terrorist crime, and if so, whether Government apprehend terrorism from these gentlemen and whether that is why the orders are continued; if not, Government should state it frankly in reply.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, these are all argument. The question, as I understand it, is why those orders have not been withdrawn and are still allowed to continue, and my reply is that if these people applied to the District Magistrate, the order might be withdrawn.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware that the All-India Kisban Sabha has already held its session and there is absolutely no reason for continuing these orders?

The Hon'ble Khwaja Sir NAZIMUDDIN: Thank you very much for further explaining the point. Now if these people apply to the District Magistrate, there is every reason to believe that the District Magistrate will withdraw the orders, and hence my reply is absolutely to the point.

Mr. DHIRENDRA NATH DATTA: Is there any necessity for making an application provided in the Act itself?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble Minister please state if the relaxation will come on the merits of the case or on the application of the applicant?

Mr. SPEAKER: That question does not arise.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister please state with reference to answer (*g*), if he is aware that at Comilla station Mr. Niharendu Datta-Mazumdar, a member of this House, was roughly handled by the District Magistrate himself along with the Superintendent of Police?

Mr. SPEAKER: That question does not arise.

Mr. NIHARENDU DUTTA MAZUMDAR: With reference to answer (*d*), the Hon'ble Minister is surely aware that the powers under the Bengal Suppression of Terrorist Outrages Act are used by the local authorities in consultation with the Local Government. Now, did the local authorities at all consult the Local Government in connection with the passing of these orders?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am afraid the honourable member is not correct in his assumption and hence the reply is "no".

Mr. NIHARENDU DUTTA MAZUMDAR: Is Government still of opinion that there is any justification whatsoever for continuing these orders?

Mr. SPEAKER: That question has been answered.

Mr. SIBNATH BANERJEE: Will the Hon'ble Minister please explain the inconsistency in his reply? In reply to (*a*) (*i*), he has stated "four" and when it was pointed out to him again that Maulvi Abdul Momin and Mr. Probodh *alias* Bankim Chakrabarti——

Mr. SPEAKER: Well, let us leave the statistical part of the question. Have you got any question of substance?

Mr. SIBNATH BANERJEE: Yes, Sir, in reply to the question of Mr. Dutta Mazumdar, the Hon'ble Minister's answer to (*a*) (*i*) is "four", but in reply (*e*), he says that two of these men were released. So, Sir, how can he say in reply (*c*) (*i*) that these orders are still in force in respect of these four men? Will he therefore explain this inconsistency?

The Hon'ble Khwaja Sir NAZIMUDDIN: The reason why there is this ambiguity is that when orders were served upon these four persons it was a case of mistaken identity, and I believe that Maulvi Abdul Momin was taken for Maulvi Mozafar Ahmed, but since the mistake was discovered Maulvi Abdul Momin was allowed to go.

*Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state with reference to answer (c), what was the legal authority of the District Magistrate and what was the charge in connection with that legal authority, in connection with which these arrests were made?

The Hon'ble Khwaja Sir NAZIMUDDIN: They were arrested under the Bengal Suppression of Terrorist Outrages Act—which gives the District Magistrate powers to arrest and detain a person for 24 hours for the purpose of obtaining and verifying the statements of the suspected persons.

Mr. JOGESH CHANDRA GUPTA: Did the Hon'ble Minister enquire whether there was any similarity in appearance between the two persons who were mistaken, namely, between Maulvi Mozafar Ahmed and Maulvi Abdul Momin?

The Hon'ble Khwaja Sir NAZIMUDDIN: When Maulvi Abdul Momin was questioned he did not give a satisfactory reply and therefore he was detained.

Mr. NIHARENDU DUTTA MAZUMDAR: Is the Hon'ble Minister aware that Maulvi Abdul Momin questioned by the District Magistrate at the Comilla Railway Station replied that his name was Abdul Momin and that the Magistrate refused to believe him and dragged him on to jail custody?

Mr. SPEAKER: That question does not arise. I have already explained the scope of supplementary questions and you can see that this question does not arise.

Mr. NIHARENDU DUTTA MAZUMDAR: I beg to submit that the Hon'ble Minister stated that Maulvi Abdul Momin refused to give his identity and gave a mistaken identity, and I am asking the Hon'ble Minister now to state whether he is aware, with regard to answer (g), that "the Government have already inquired fully into the whole incident", of this part of the incident, namely, that Maulvi Abdul Momin actually stated that his name was abdul Momin, in spite of which he was dragged into jail custody?

Mr. SPEAKER: As I have said, Mr. Dutta Mazumdar, this question does not arise.

Application of externment orders in Midnapore during 1933-34.

*172. **Mr. DEBENDRA LALL KHAN:** (a) Will the Hon'ble Minister in charge of the Home (Political) Department be pleased to state how many persons were externed from the district of Midnapore during 1933 and 1934?

(b) In how many cases have the orders been withdrawn?

(c) How many persons are still debarred from entering the district by such orders of externment?

(d) Is it a fact—

(i) that the orders of externment passed on Srijut Binoy Jiban Ghose, formerly Professor of History in the Midnapore College, have not yet been withdrawn;

(ii) that a brother of the said Binoy Jiban Ghose committed suicide while in detention; and

(iii) that another brother of his Srijut Jyoti Jiban Ghose arrested under the Bengal Criminal Law Amendment Act is stil under detention?

(e) Will the Government be pleased to state the reasons for continuing the measures of externment and internment against the member of that particular family?

(f) Do the Government contemplate withdrawal of the order of externment against Srijut Binoy Jiban Ghose?

The Hon'ble Khwuja Sir NAZIMUDDIN: (a) 28.

(b) All.

(c) None.

(d) (i) The orders have been withdrawn.

(ii) Yes.

(iii) Yes, but he will shortly be released in accordance with Government policy.

(e) and (f) Do not arise.

Muhammadan Court Inspectors in Bengal.

*173. **Maulvi MD. HASANUZZAMAN:** (a) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to lay on the table a statement showing for the present time—

(i) the total number of Court Inspectors in Bengal;

(ii) the number of them that are Muhammadans; and

(*iii*) the names of Muhammadan Court Sub-Inspectors, district by district, with the length of their services?

(*b*) Is there any chance of promoting the Muslim Court Sub-Inspectors to the rank of Inspectors.

(*c*) If so, when?

(*d*) If not, why not?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) 2

(*ii*) 6.

(*iii*) A statement is laid on the table.

(*b*) to (*d*) Suitable officers will be promoted when vacancies occur. It cannot be said when any particular officer will be promoted.

Statement referred to in the reply to clause (a) (iii) of starred question No. 173, showing the names of Muhammadan Court Sub-Inspectors.

	Total length of service. Years.	Months.
24-Parganas—		
1. Rezai Rabanni	19	7
2. Enayet Karim	11	7
3. Sk. Subedar Ali	7	6
Nadia—		
1. Abu Jafor Md. Nural Huda	5	7
2. Shaikh Mehdi Billah	5	7
Murshidabad—		
1. Khondkar Abul Fazle	22	7
2. Anwaruzzaman Khan	5	7
Jessore—		
1. Manwar Husain	12	7
2. Md. Mukshed Ali Biswas	5	7
Khulna—		
1. Ashraf Ali	19	7
2. Nural Huda	21	7

	Total length of service. Years.	Months.
Howrah—		
1. Shamsud-Doha	19	7
2. A. D. Quamarazzaman	22	7
Hooghly—		
1. Md. Manowar Husain	5	7
Burdwan—		
1. Matiar Rahman	19	7
2. Afiluddin Ahmad	13	7
Birbhum—		
1. Aladad Khan	24	7
Bankura—		
1. Muhammad Newaz	21	7
2. Abdul Karim	25	7
Midnapore—		
1. Khondkar Abdul Majid	26	7
2. Mahatab Ali Dewan	23	7
E. I. Rly., Howrah—		
1. Aliullah	30	6
Dacca—		
1. Ali Ahmad	27	7
2. Nural Amin	25	7
3. Md. Ali Muhammad	24	7
4. Sadat Ali Akand	15	7
5. Md. Abdul Karim	10	7
6. Abdus Salam Khondkar	9	6
7. Abdus Sabur	6	7
Mymensingh—		
1. Shah Amir Husain	15	7
2. A. M. Md. Abdul Hai	10	7
3. Aulad Husain	6	7

	Total length of service. Years.	Months.
Faridpur—		
1. Nafizuddin Biswas	26	7
Bakarganj—		
1. Kazi Faizuddin	18	6
Tippera—		
1. Muhammad Idris	27	7
2. Golam Muhammad	22	8
3. Md. Taleb Ali	22	6
Noakhali—		
1. Md. Manir Ahmad	24	7
Rajshahi—		
1. Moslehuddin Ahmad	23	7
Rangpur—		
1. Shamsher Ali Ahmad	22	7
Dinajpur—		
1. Darbesh Ali	34	0
Jalpaiguri—		
1. Kazi Afsaruddin	5	7
Darjeeling—		
1. Shaikh Manowar Husain	21	7
Pabna—		
1. Abdul Hai Khan	21	7
2. Haibatuddin Mia	20	7
Bogra—		
1. Shaikh Akimuddin	21	7
E. B. and A.-B. Railways, Saidpur—		
1. Shah Matlub Ahmad	31	7

Internees Kshitish Chandra Deb and Sachindra Poddar of Rajshahi.

*174. **Mr. BIRENDRA NATH MAZUMDAR:** Will the Hon'ble Minister in charge of the Home (Special) Department be pleased to state—

(a) whether Kshitish Chandra Deb and Sachindra Poddar of Rajshahi have been interned at Baidyerbazar in the Narayanganj subdivision, district Dacca;

(b) whether they are under treatment in the Dacca Mitford Hospital;

(c) if so, for what diseases;

(d) what is the present state of their health;

(e) whether it is a fact that annas 10 daily are deducted from their diet while they are being kept on usual hospital diet of annas 6 a day; and

(f) whether the Government are considering the desirability of releasing them at an early date?

The Hon'ble Khwaja Sir NAZIMUDDIN: Orders for the unconditional release of the individuals in question have been issued and in the circumstances I do not think the hon'ble member would wish me to institute enquiries.

Abduction of females in Bengal in 1937-38.

*175. **Maulvi MANIRUDDIN AKHAND:** Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to lay on the table a statement showing, district by district, from April, 1937, to March, 1938, the total number of cases of abduction in Bengal—

(a) of females in general with the number of—

(i) convictions, and

(ii) acquittals; and

(b) of abduction of Hindu females only with the number of—

(i) convictions, and

(ii) acquittals?

The Hon'ble Khwaja Sir NAZIMUDDIN: A statement is laid on the table.

Statement referred to in the reply to starred question No. 175, showing the number of cases of abduction in the Bengal Presidency during the period from April, 1937, to March, 1938.

District.	Cases of abduction of females in general.				Cases of abduction of Hindu females.			
	Total number of cases	Number of cases ended in conviction	Number of cases ended in acquittal	Number of cases otherwise disposed of or pending in Court	Total number of cases	Number of cases ended in conviction	Number of cases ended in acquittal.	Number of cases otherwise disposed of or pending in Court.
Dacca ..	19	3	1	15	5	..	.	5
Mymensingh ..	28	9	15	4	6	2	4	.
Faridpur ..	29	3	26		7	1	6	..
Bakarganj	37	12	7	18	4	2	1	1
Chittagong .	19	1	5	13	2	.	1	1
Tippera .	16	3	1	12	4	..	1	3
Noakhali	2	1	1		2	1	1	..
Rajshahi	45	8	10	27	8		3	5
Dinajpur ..	17	7	10	..	7	4	3	..
Jalpaiguri .	4	1	3		3	1	2	..
Rangpur .	22	4	14	4	12	2	8	2
Bogra .	6	3	3		3	1	2	..
Pabna .	47	21	15	11	6	4	2	..
Malda .	8		4	4	5	.	3	2
Darjeeling .	2	2		.	..	..	..	..
Eastern Bengal and Assam-Bengal Railways, Saidpur	1	..	1	.			.	..
Burdwan	3	1	.	2	3	1	.	2
Birbhum	1		1				.	..
Bankura	3			3	2	.		2
Midnapore	4	3	1	.	3	2	1	..
Hooghly .	4	3	1	.	3	2	1	..
Howrah	6	1	1	4	4	1	1	2
E. I. Railway, Howrah	..	..	.	.	1	1	.	..
24-Parganas .	22	8	2	12	16	5	2	9
Nadia ..	10	2	7	1	1	..	1	..
Murshidabad ..	6	3	3	..	4	3	1	..
Jessore ..	17	11	4	2	9	7	1	1
Khulna ..	9	4	2	3	3	2	1	..
E. B. Railway, Sealdah ..	4	2	2	..	3	2	1	..
Calcutta ..	19	11	8	..	14	8	6	..

Messrs. Headwards and Co.

*176. **Khan Bahadur MOHAMMED ALI:** (a) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state by whom and under what authority are Messrs. Headwards & Co. allowed the contract for collection of gate money to football and other sporting games?

(b) What are the terms of contract in which the lease is granted?

(c) Are tenders invited for the purpose?

(d) When does the lease of the Company expire?

(e) How much do the Government get out of the sale-proceeds?

(f) What other institutions benefit by this and to what extent?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) Permission to erect stands on the Calcutta Maidan to witness football and other matches is given by the Commissioner of Police, Calcutta, under the authority delegated to him by the Provincial Government.

(b) A statement showing the conditions under which permission is granted is laid on the table.

(c) No.

(d) 31st December, 1938.

(e) Nothing except the Amusement Tax.

(f) A contribution of Rs. 7,000 is made to the Calcutta Police "Poor Box". The Company have also given donations to sporting clubs and for charitable purposes and institutions, such as the Indian Football Association, Bengal Hockey Association, King George V Memorial Fund, Muhammadan Sporting Club, Sir John Anderson Casualty Block, Jadabpur Tuberculosis Hospital, Carmichael Medical College Maternity Home, King Emperor's Anti-Tuberculosis Fund, etc. The donations in the past two years amounted to Rs. 23,504.

Statement referred to in the reply to clause (b) of starred question No. 176.

Permit is granted subject to the following conditions:—

(1) Only the Calcutta, Muhammadan Sporting and Mohun Bagan Club grounds shall contain stands.

(2) One side of each of these grounds is to be open to the general public.

(3) Stands to be of a uniform size approved of and passed by this office.

(4) Charges for seats to be not more than annas 4-6 a head and for chairs annas 9.

(5) Proper arrangements to be made for payment gates in the centre and at either end of the stands.

(6) No soldiers or police to be employed in collecting money.

(7) No stands to be moved between 6 a.m. and 8 p.m.

(8) The usual five charity matches to be outside the contract.

(9) The space between the galleries (Calcutta) and the rope line to be 6½ feet. Two rows of benches in front of the rope line to occupy 5 feet leaving an entirely clear space of 10 feet between the front rows of the benches and the Calcutta touch line.

(10) A large exit is to be provided at the south corner and north-west corner and east side centre. A *sal* post barrier with bamboos, breast high, to be erected at the south end.

(11) The arrangements for Mohun Bagan ground are to be as last year, and no alteration are to be made without express sanction.

(12) Erection of stands will be permitted to commence from February, 1938, and 15 days will be allowed for complete erection of stands on any one of the three grounds specified. The Maidan must not be used as a repairing yard for defective stands.

(13) All stands will be removed after the final of the Football Shield or other such finals as the Commissioner of Police may decide subsequent to this date.

(14) The Commissioner of Police may at any time withhold permission for stands at any game, should he consider it necessary.

(15) The Commissioner of Police may at any time direct removal of or alteration to any stands should he consider it necessary.

(16) All stands to be tested by the Police before use.

Khan Bahadur MOHAMMED ALI: With reference to answer (*c*), will the Hon'ble Minister please state why tenders were not called for?

The Hon'ble Khwaja Sir NAZIMUDDIN: Because, the work of Messrs. Headwards and Co. has been very satisfactory and the Commissioner of Police is satisfied and he thinks that this is a matter in which it is necessary to have some one on whom he can fully rely.

Khan Bahadur MOHAMMAD ALI: Will the Hon'ble Minister please state why without giving a trial to any other firm all the enclosures are given to one company?

The Hon'ble Khwaja Sir NAZIMUDDIN: Because the arrangement has worked very satisfactorily all this time.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister please state how long this particular Company is enjoying this monopoly of contract to erect stands on the Calcutta Maidan for football matches?

The Hon'ble Khwaja Sir NAZIMUDDIN: I believe, for a very long time. I am not in a position to give the actual number of years.

Mr. SYED JALALUDDIN HASHEMY: Does the Hon'ble Minister consider the desirability of calling for fresh tenders when the present term of the licensee ends on the 31st of December 1938?

The Hon'ble Khwaja Sir NAZIMUDDIN: This matter is under the consideration of Government.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state the average annual income of this contractor?

The Hon'ble Khwaja Sir NAZIMUDDIN: I submit, Sir, that this question does not arise; otherwise I ask for notice.

Maximum and average hours of attendance in the Government and Government aided schools.

***177. Dr. NALINAKSHA SANYAL:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state what are the maximum and the average number of hours that students of Government and Government aided high schools belonging to different classes are required to attend at the school or under instructions from the school authorities each day during working days?

(*b*) How many of these hours are devoted to extra-academic activities, and what are the nature of such activities?

(*c*) Whether there are any signs of overwork or fatigue noticed as a result of such detention, and whether any investigation has been made to find out the effect on the health of the students?

(*d*) What arrangements are made to ensure the distribution of proper tiffin to the students when they are required to stay for long hours?

MINISTER in charge of the EDUCATION DEPARTMENT (the Hon'ble Mr. A. K. Fazlul Huq): (*a*) In Government high schools the academic hours are usually from 11 a.m. to 1 p.m. and from 2 p.m. to 4-30 p.m. In non-Government schools they are usually from 11 a.m. to 1-30 p.m. and from 2 p.m. to 4 p.m.

In all schools organised physical activities are compulsory for 1½ hours weekly, in two periods, after school hours.

(*b*) Four periods weekly (i.e., 3 hours) are devoted to physical training and organised games, of which two periods are during school hours and two after.

In Government schools half an hour of the daily recess is usually given to indoor recreation and general knowledge instruction.

(*c*) In some schools complaints have been made that students are fatigued when detained for after school activities, but general observation in all parts of the province during the football season has shown that the main difficulty is to prevent boys from remaining in the school compound or sports field more than the prescribed two periods weekly.

The question of school hours has recently been discussed in the Education Department and the Director of Public Instruction is gathering information from his inspecting staff.

(*d*) In all Government high schools except two, compulsory tiffin fees of annas 4 monthly are imposed, and the arrangements made for the supply of tiffin to the student work effectively. A number of non-Government schools have introduced similar schemes, but the majority have taken no steps to do so.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state what is the maximum number of hours that some students of Government schools are required to stay at school as required in question (*a*)?

The Hon'ble Mr. A. K. FAZLUL HUQ: I cannot add anything to what I have said.

Dr. NALINAKSHA SANYAL: The Hon'ble Minister has stated "the usual hours" but my question was as to the maximum and minimum number of hours and not the "usual hours." My information is

that boys are detained for very long hours, which is very detrimental to health.

The Hon'ble Mr. A. K. FAZLUL HUQ: You know it yourself.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister, please state what are the actual extra-academic activities and their nature, as is required by question (*b*)?

The Hon'ble Mr. A. K. FAZLUL HUQ: Well, there are various kinds of activities, I cannot give you the whole list.

Dr. NALINAKSHA SANYAL: May I submit, Sir, that this question was with the department for a very long time. How many of these hours are devoted to extra-academic activities and their nature—whether it is basket-making, Bratachari or this and that or any other activities? I want a reply to that, Sir.

The Hon'ble Mr. A. K. FAZLUL HUQ: Well, every possible form of human activity that human imagination can conceive of.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if training in salaming high officials is also a useful form of activity?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if Government are considering the desirability of changing the tiffin time from 1 p.m. to some time after 2 p.m., as the students of Bengal usually take their meals at 10-30 a.m. in order to attend school at 11 a.m.?

The Hon'ble Mr. A. K. FAZLUL HUQ: The difficulty is that in some cases the recess is taken advantage of by Mahomedan boys to say their noon-day prayer. The whole question is mixed up with other questions, and unless there is a general desire throughout the province Government can take no action. But if a representation is made, Government are prepared to consider the matter.

Debt Settlement Boards in Satkhira in Khulna district.

*178. **Mr. SYED JALALUDDIN HASHEMY:** (*a*) Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*i*) the number of Debt Settlement Boards established in the Satkhira subdivision of Khulna district with names of Unions and police-stations where such Boards have been established; and

(*ii*) the dates from which each of such Boards are functioning?

(*b*) Is it a fact that in the case of the Special Debt Settlement Board at Satkhira, daily allowances and travelling allowances are paid to some members but are not paid to others?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) the reasons for such discrimination;

(*ii*) the names of the members who receive the allowances; and

(*iii*) the names of those who do not receive them?

(*d*) Will the Hon'ble Minister be pleased to state the total expenditure incurred so far by the Government—

(*i*) in establishing, and

(*ii*) in running

the establishments of the Debt Settlement Boards throughout Bengal?

MINISTER in charge of the CO-OPERATIVE CREDIT and RURAL INDEBTEDNESS DEPARTMENT (the Hon'ble Mr. Mukunda Behary Mullick): (*a*) A statement is laid on the table.

(*b*) Yes, travelling allowance is paid only to one member.

(*c*) (*i*) The member drawing the allowance is entitled to it according to rules, while others are not.

(*ii*) Maulvi Hafez Bazlul Karim.

(*iii*) (1) Circle Officer, (2) Khan Sahib A. R. Khan Choudhury, (3) Babu Benoy Krishna Ghosh and (4) Babu Promodanath Bose.

(*d*) Rs. 13,27,000.

Statement referred to in the reply to clause (a) of starred question No. 178.

One Special Board having jurisdiction over the whole subdivision and 16 Ordinary Boards have been established so far in the following Unions with effect from the dates noted against each:—

Thana.	Union.	Date.
Satkhira ..	Jhowdanga ..	4th August, 1937.
	Brahmarajpur ..	29th March, 1938.
	Agardari ..	26th May, 1938.
	Bhomra ..	25th May, 1938.
Kalaroa ..	Helatala ..	7th August, 1937.
	Murarikati ..	24th March, 1938.
	Deara ..	3rd June, 1938.
Tala ..	Islamkati ..	4th August, 1937.
	Sarulia ..	30th May, 1938.
Assasuni ..	Assasuni ..	3rd April, 1938.
	Budhatta ..	6th June, 1938.
	Sriulla ..	4th April, 1938.
Kaliganj ..	Nalta ..	7th August, 1937.
Shyamnagar ..	Iswaripur ..	6th August, 1937.
Debhatta ..	Parulia ..	5th August, 1937.
	Kuha ..	28th May, 1938.

The Special Debt Settlement Board is functioning since the 12th March, 1938.

Debt Settlement Boards in Kaliganj and Hatibanda thanas in Rangpur district.

***179. Maulvi ABU HOSSAIN SARKAR:** Will the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department be pleased to state—

(*a*) whether Debt Settlement Boards have been established in the Kaliganja and Hatibanda thanas in the district of Rangpur;

(*b*) if not, what is the reason;

(*c*) whether the Government propose taking immediate steps to organise Debt Settlement Boards there; and

(*d*) whether it is a fact that some petitions by the villagers of those two thanas were sent to the authorities praying for the establishment of such Boards?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) Yes.

(*b*) and (*c*) Do not arise.

(*d*) I have no information.

Anti-propaganda and no-payment agitation against Feni Central Co-operative Bank, Ltd.

***180. Maulvi MUHAMMAD IBRAHIM:** (*a*) Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware—

(*i*) of the anti-propaganda and no-payment agitation carried on against the Feni Central Co-operative Bank, Limited, by some interested persons; and

(*ii*) of the identity of these agitators?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a statement showing—

(*i*) the names of those persons; and

(*ii*) the steps the Government have taken or contemplate taking in the matter?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) (*i*) The existence of a non-payment propaganda has been felt at times by the officials of the Bank.

(*ii*) No.

(*b*) (*i*) Does not arise.

(*ii*) Counter propaganda explaining the true situation and other difficulties the village societies and their members may feel in case they are at all carried away by sentiments and withhold payments when they are able to pay, is being carried on.

Mill workers thrown out of employment.

***181. Dr. SURESH CHANDRA BANERJEE:** (*a*) Will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state how many workers, mill by mill, have up till now been thrown out of employment as a result of the introduction of new automatic machines in the jute mills of Bengal?

(*b*) With reference to the answers to clauses (*b*) and (*c*) respectively of starred question No. 427 of 1938, will the Hon'ble Minister be pleased to state—

(*i*) how many workers discharged through rationalisation have up till now been assisted by Government in finding employment; and

(*ii*) what arrangements did he suggest to the jute mill authorities with a view to cause the least amount of dislocation in the employment of the existing staff brought about by the introduction of automatic machines in the jute mills?

MINISTER in charge of the COMMERCE and LABOUR DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) Government do not possess the information asked for.

(*b*) The hon'ble member is referred to the answer given in reply to a similar question asked by Mr. Niharendu Dutta Majumdar, being starred question No. 145 given on the 23rd August, 1938.

Dr. SURESH CHANDRA BANERJEE: মাননীয় মন্ত্রী মহোদয় তাঁর উত্তরে লিখেছেন, গভর্ণমেণ্ট কোন information possess করে না তাঁকে জিজ্ঞাসা কোরতে চাই—automatic machines introductionএর ফলে কলিকাতায় এবং আশে পাশে বহু চটকলে বহু মজুর বেকার হোয়ে পড়েছে কি না ?

The Hon'ble Mr. H. S. SUHRAWARDY: বহু নাই।

Mr. SPEAKER: It is for the last time, Mr. Suhrawardy, that I ask you not to reply in Bengali.

The Hon'ble Mr. H. S. SUHRAWARDY: I was simply making an attempt to answer in Bengali a question put in Bengali.

Mr. SPEAKER: Yes, I know. But I cannot permit your Bengali.

Dr. SURESH CHANDRA BANERJEE: মাননীয় মন্ত্রী মহাশয় বোলেছেন—"বহু নয়" ; তাতে বোঝা যায় অন্ততঃ কতকগুলি লোক বেকার হয়েছে, মন্ত্রী মহাশয় বোলবেন কি new machine introductionএর ফলে কত লোক বেকার হোয়ে পড়েছে ?

Mr. SPEAKER: That question has already been answered in the printed reply.

Dr. SURESH CHANDRA BANERJEE: My question was—will the Hon'ble Minister in charge of the Commerce and Labour Department be pleased to state how many workers, mill by mill, have uptil now been thrown out of employment as a result of the introduction of new automatic machines in the jute mills of Bengal?

Mr. SPEAKER: Dr. Banerjee, you can now ask your question.

Dr. SURESH CHANDRA BANERJEE: মাননীয় মন্ত্রী মহাশয় অনুগ্রহপূর্ব্বক বোলবেন কি Mill by Mill তিনি কেন এ সংবাদ গ্রহণ করেন নাই ?

The Hon'ble Mr. H. S. SUHRAWARDY: I have no power to get the statistics, mill by mill. I can only request them to do so. A request was made and it was ascertained that the amount of labour involved by the mills in collecting the information was not commensurate with its value.

Dr. SURESH CHANDRA BANERJEE: মন্ত্রী মহোদয় বোলেছেন যে এ তথ্য সংগ্রহ কোরতে যে খরচ হতো তার তুলনায় যে সংবাদ পাওয়া যেতো তার মূল্য কম, তিনি কি বোলতে চান কতকগুলি লোক বেকার হয়ে পোড়েছে তা জানার দরকার নাই এবং তার জন্য খরচ হওয়া উচিত নয় ?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not think it is so very important.

The case of girl students of the Dacca Medical School.

*182. **Rai HARENDRA NATH CHAUDHURI:** (a) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether Government has finished consideration of the report made by the District Magistrate of Dacca as a result of enquiry into the complaints of the girl students of the Dacca Medical School against the Deputy Superintendent of the said school?

(b) If so, when are the Government going to make the report public?

MINISTER in charge of the PUBLIC HEALTH and LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. H. S. Suhrawardy): (*a*) Not yet.

(*b*) I do not propose publishing the report, as in my opinion it will not be in the public interest to do so.

Babu NAGENDRA NATH SEN: Is the Hon'ble Minister aware that at the last session of the Assembly Mr. Nausher Ali, then Minister in charge of the Medical Department, gave an assurance of publication?

The Hon'ble Mr. H. S. SUHRAWARDY: I think the honourable member is mistaken.

Rai HARENDRA NATH CHAUDHURI: Is the Hon'ble Minister aware that comments have been made in both Indian-owned and European-owned newspapers for the non-publication of the report?

Mr. SPEAKER: That question does not arise. Comments made outside the House should not be taken notice of in the House.

Rai HARENDRA NATH CHAUDHURI: Is the Hon'ble Minister aware that considerable public interest has been evinced in this matter and that there has been a public demand for the publication of this report?

The Hon'ble Mr. H. S. SUHRAWARDY: I hardly think that there is a public demand.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the Deputy Superintendent complained against is still continuing in that post?

The Hon'ble Mr. H. S. SUHRAWARDY: Certainly he is.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state the time when he is due to retire from Government service?

The Hon'ble Mr. H. S. SUHRAWARDY: The honourable member, I understand, is a good student of the Assembly debate and he has got a very good memory. I think this question was answered on the last occasion by the then Hon'ble Minister.

Dr. NALINAKSHA SANYAL: Is it a fact that this Deputy Superintendent is due to retire in course of two months, that is, on the 11th of October?

The Hon'ble Mr. H. S. SUHRAWARDY: No.

Dr. NALINAKSHA SANYAL: Is it a fact that in the Civil List published under the authority of Government it is stated that this medical gentleman is enjoying an extension of service for two years, which is due to expire in the middle of October?

Mr. SPEAKER: That question does not arise. I may say that the previous supplementary question did not also arise, but in view of its importance I allowed it. I cannot allow further questions on that point in this controversial matter.

Dr. NALINAKSHA SANYAL: How long will the Hon'ble Minister take to come to a decision, in reference to answer(*a*)?

The Hon'ble Mr. H. S. SUHRAWARDY: I hope it will not take long, Sir.

Dr. NALINAKSHA SANYAL: Sir, I want an approximate time.

The Hon'ble Mr. H. S. SUHRAWARDY: That I cannot say.

Dr. NALINAKSHA SANYAL: Will it be before the gentleman retires or after, when he goes out of Government control?

The Hon'ble Mr. H. S. SUHRAWARDY: Certainly long before that.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that the public have been holding meetings and demonstrations in Dacca, and reports of these meetings are being published in different newspapers demanding the publication of the report in public interest?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state what public interest is likely to be served by withholding the publication of this report?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not think that a question of this nature ever deserves a reply because public interest ought to be well-known. But in this particular case I shall attempt to make a reply. The publication of this report will lead to a great deal of dissection of evidence and possibly damage the reputation not only of the accused but also of the witnesses and of persons behind the witnesses and also of persons who had trained them up before the Court. I would not like that these things should be done nor the morbid interest of the people excited. At the same time I think comments and counter-comments of the report, if published, ought to be avoided in the interest of communal friendship that at present more or less exists in Dacca and which certain persons are so anxious to disturb.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if he is referring to the friendship between the medical man concerned and the girls, or to any other friendship?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister consider the desirability of publishing at least a summary of the recommendations of the enquiring officer?

The Hon'ble Mr. H. S. SUHRAWARDY: After I have considered the report properly I shall make up my mind as to how much of it should be published.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether in appointing this gentleman on the proposed Dacca College Committee he did take into consideration whether the report of the Magistrate was against him or in his favour?

Mr. SPEAKER: That question does not arise.

Malaria in Netrokona.

***183. Mr. BIRENDRA KISHORE RAY CHAUDHURY:** (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware—

(*i*) that malaria has broken out on a very wide and serious scale in the subdivision of Netrakona, especially in the areas of Purbadhala and Kendua; and

(*ii*) that the local people have applied to the Director of Public Health for relief?

(b) If the replies to (a) are in the affirmative, will the Hon'ble Minister be pleased to state what actions, if any, have the Government so far taken in the matter?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) Yes.

(b) Five medical licentiates deputed by the Public Health Department, for coping with the epidemic are working in the affected area and another is expected to join shortly. A large quantity of quinine and plasmochin has been supplied for free distribution and for treatment of malaria cases. The Assistant Director of Public Health, Dacca Circle, and the Assistant Director of Public Health, Malaria Research, have visited the locality. The latter has been asked to submit an immediate report reviewing the position and suggesting effective ameliorative measures.

Ravages of malaria in area between stations Serajganj Bazar and Serajganj.

*184. **Mr. ABDULLA-AL-MAHMOOD:** (a) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware—

(i) that there were ravages of malaria in 1934 in the areas between stations Serajganj Bazar and Serajganj on the Eastern Bengal Railway;

(ii) that the then Director of Public Health, Bengal, had a report from the Chairman, District Board of Pabna, in December, 1934, through the District Health Officer, stating that the severe type of epidemic was due to the closing of the mouth of the canal near Serajganj (Raipur) station by the Sara-Serajganj Railway embankment and that a culvert and opening were necessary;

(iii) that the Railway authority admitted the necessity of constructing a culvert;

(iv) that the Subdivisional Officer, Serajganj, himself investigated the affected area and reported admitting the necessity of an opening in the embankment;

(v) that the present Subdivisional Officer, Serajganj, deputed his Circle Officer who inspected the area and reported that the affected area comprised of about 8 or 9 square miles having big culturable fields in and between these villages; and

(*vi*) that the population of the affected villages is not less than 11,000 approximately and that productive power of this area of 8 or 9 square miles has deteriorated for want of natural silt?

(*b*) Will the Hon'ble Minister be pleased to state whether the attention of the authorities has been drawn to it by questions put in the last session?

(*c*) If the answer to (*b*) is in the affirmative why no steps are being taken in the matter?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) The member is referred to the replies given to clauses (*a*)(*i*) to (*vi*) of starred question No. 29 asked by him during the last session of the Assembly.

(*b*) and (*c*) The member is referred to the reply given on the 29th July, 1938, by the Hon'ble Minister, Communications and Works, to clause (*b*) of starred question No. 366 asked by him during the last session of the Assembly.

I am, however, looking into the whole question.

Recruitment of Sub-Assistant Surgeons.

***185. Maulvi MOSLEM ALI MOLLAH:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether it is a fact that some 5 Muhammadan and 4 Hindu Sub-Assistant Surgeons have recently been recruited?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) their names, residence, age and the number of years in which they passed the L.M.F. course;

(*ii*) the number of candidates who were granted interviews for selection on the occasion;

(*iii*) how many of them were regular students and passed the L.M.F. course in one chance; and

(*iv*) the procedure of selection adopted by the Selection Committee?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) Yes.

(*b*) (*i*) A statement furnishing the information is laid on the table.

(*ii*) 34.

(iii) 21.

(iv) Selection has been made on the basis of academic career, scholarships, medals and prizes, etc., post-graduate experience, special qualifications and general intelligence.

Statement referred to in the reply to clause (b) (i) of starred question No. 185.

Name.	Residence.	Age on 1st June, 1938.		Number of years in which passed the L. M. F. course.
		Y.	M.	
(1) Dr. Md. Abul Hossain ..	Village Paunchrukhi, post-office Kharua, district Mymensingh.	28	11	4 years.
(2) Dr. Abdus Samad Mian ..	Village Chandani, post-office Nader Chand Ghat, district Jessore.	24	3	4 years.
(3) Dr. Harinath Dhar ..	89, Sankhari Bazar, Dacca.	25	5	4 years.
(4) Dr. Saroj Kumar De ..	Village and post-office Lakshmibardi, district Dacca.	24	3	4 years.
(5) Dr. Bibhuti Bhusan Sarkar, L.T.M., D.T.M.	Village and post-office Ullapara, district Pabna.	25	5	4 years.
(6) Dr. Promode Bikas Talukdar (Chakma)	Village Hatilatchara, post-office Langadu, district Chittagong Hill Tracts.	25	6	Matriculated in 1930 and passed the L.M.F. Examination in April, 1935.
(7) Dr. Siddique Ullah Chowdhury.	Village and post-office Maijdi, district Noakhali.	25	8	4 years.
(8) Dr. Sk. Sikandar Ali, B.A.	Village Fulbari, post-office, Serajganj, district Pabna.	28	10	4 years.
(9) Dr. Md. Rahim Baksh ..	Village and post-office Jalangi, Murshidabad.	31	0	6 years.

Amendment of Calcutta Municipal Act.

*186. **Mr. M. A. H. ISPAHANI:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state as to when he proposes to introduce a Bill to amend the Calcutta Municipal Act?

The Hon'ble Mr. H. S. SUHRAWARDY: At the earliest possible opportunity.

Mr. K. NOORUDDIN: Will the Hon'ble Minister kindly state if by "the earliest possible opportunity" he means that he will introduce the Bill before the next session?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, if it can be introduced before the next session, it will be introduced.

Mr. K. NOORUDDIN: Will the Hon'ble Minister make any publication in the Gazette?

The Hon'ble Mr. H. S. SUHRAWARDY: I have not yet made up my mind, Sir, as to whether I should publish in the Gazette first before its introduction, but I can assure the honourable member that it will be published or introduced at the earliest possible opportunity.

Mr. M. A. H. ISPAHANI: Is the Hon'ble Minister aware that in the normal course of events the general election of the Calcutta Corporation will be held within the next six or seven months?

The Hon'ble Mr. H. S. SUHRAWARDY: I am aware of it.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state if the next session will be in November or later?

The Hon'ble Mr. H. S. SUHRAWARDY: That, Sir, is not known either to me or to the honourable member or to anyone else in this House.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state with what object in view the proposed amendments are being considered?

The Hon'ble Mr. H. S. SUHRAWARDY: With several objects in view, particularly with the object of making the administration of the Calcutta Municipality somewhat consonant with efficiency and better administration.

Dr. NALINAKSHA SANYAL: Is it a fact that Government is considering the desirability of separating the electorates in the Calcutta Corporation?

Mr. SPEAKER: That does not arise, but I am allowing it as it is an important matter:

The Hon'ble Mr. H. S. SUHRAWARDY: That is one of the matters that is being considered.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state, in view of this reply, if Government is considering this separation with a view to establishing communal harmony as has been just now enunciated?

Mr. SPEAKER: That question does not arise.

Mr. M. A. H. ISPAHANI: Will the Hon'ble Minister be pleased to state what steps he wishes to take in order to ensure that the next election will be held under the amended Municipal Act?

The Hon'ble Mr. H. S. SUHRAWARDY: It may be necessary, Sir, to extend the life of the present Corporation.

Mr. M. A. H. ISPAHANI: For what period, Sir, does the Hon'ble Minister think it necessary?

The Hon'ble Mr. H. S. SUHRAWARDY: For such period as may be necessary in order to hold the new elections under the amended Act.

Mr. M. A. H. ISPAHANI: I submit, Sir, he has not answered my question. What is the period that will be necessary—that is my question. I request the Hon'ble Minister to answer.

The Hon'ble Mr. H. S. SUHRAWARDY: The honourable member should realize that it is not possible for me to know exactly when the Bill will receive the assent of His Excellency the Governor and would be passed into law. The object of my answer was to explain to him that whatever may be the period of time, the life of the present Corporation will be extended so that the new elections may be held under the amended Act.

Beggar problem in the City of Calcutta.

*187. **Babu NARENDRA NARAYAN CHAKRABARTY:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether his attention has been drawn to the report of the Committee appointed by the Calcutta Corporation regarding the beggar problem in the city of Calcutta, dated the 9th December, 1936?

(*b*) Do the Government contemplate—

(*i*) drawing up a Bill with a view to give effect to the recommendation of the said Committee; and

(*ii*) co-operating with the Calcutta Corporation by helping them with money necessary to provide the beggars in a refuge?

(*c*) Do the Government maintain statistics showing the number of beggars in the City of Calcutta?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state for the present time—

(*i*) the exact number of beggars in the city of Calcutta; and

(*ii*) the number of them that are—

(1) non-Bengalis,

(2) lepers,

(3) lame and maimed,

(4) blind, and

(5) professional beggars capable of maintenance?

(*e*) Are the Government considering the desirability of repatriating non-Bengali beggars to their respective provinces by any legislation?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) No such report has yet been submitted to Government by the Calcutta Corporation.

(*b*) and (*e*) Government have invited the views of the Corporation on certain proposals put forward by the Rotary Club of Calcutta and these matters will be considered by Government when the views of the Corporation are received.

(*c*) and (*d*) (*i*) 3,064 according to the Census Report of 1931.

(*ii*) These details are not available from the Census Report.

Babu NARENDRA NARAYAN CHAKRABARTY: রোটারী ক্লাব এবং International New Club যে ৪ হাজার ভিক্ষুকের সংখ্যা দিয়াছেন সে হিসাব কি মন্ত্রী মহাশয় সমর্থন করেন?

Mr. SPEAKER: I am afraid that question does not arise.

The Hon'ble Mr. H. S. SUHRAWARDY: On a point of order, Sir. May I say if this is the question which the honourable member put a little while ago, why is it not possible for him to have put his previous question in as simple a language as he has put it on the next occasion.

Babu NARENDRA NARAYAN CHAKRABARTY: আমার প্রশ্ন এখানে বিভিন্ন ; আমি জিজ্ঞাসা কোরেছি—রোটারী ক্লাব এবং International New Club যে একটা statistics দিয়েছে—তারি সম্বন্ধে।

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, after the Calcutta Corporation has submitted its report to Government, Government will consider the advisability of bringing in a Bill.

Babu NARENDRA NARAYAN CHAKRABARTY: আমার প্রশ্নের উত্তর হয় নাই, Sir.

Mr. SPEAKER: Whether he has understood your language or not, I cannot say.

Babu NARENDRA NARAYAN CHAKRABARTY: Rotary Club এবং International New Club যে ভিক্ষুকের statistics দিয়াছেন তাহা মন্ত্রীমহাশয় স্বীকার করেন কি ?

Mr. SPEAKER: That question does not arise.

Babu NARENDRA NARAYAN CHAKRABARTY: মাননীয় মন্ত্রী মহাশয় অদূর ভবিষ্যতে ভিক্ষুক সমস্যা নিরাকরণ কল্পে কোন Bill উপস্থাপিত কোরতে রাজি আছেন কিনা, জানাবেন কি ?

The Hon'ble Mr. H. S. SUHRAWARDY: Government will consider that after the report of the Calcutta Corporation is placed before it.

Rai HARENDRA NATH CHAUDHURI: Is the Hon'ble Minister aware that the Corporation has already submitted its views?

(No reply).

Babu NARENDRA NARAYAN CHAKRABARTY: অবাঙালী ভিক্ষুকদের তাদের স্ব স্ব প্রদেশে পাঠিয়ে দেবার ব্যবস্থায় মন্ত্রী মহাশয় রাজি আছেন কি ?

The Hon'ble Mr. H. S. SUHRAWARDY: I could not follow his question, Sir.

Mr. SPEAKER: His question is whether Government is prepared to repatriate non-Bengalee beggars outside this province.

The Hon'ble Mr. H. S. SUHRAWARDY: I said, Sir, that after the report is submitted to Government, Government will consider the question whether it should repatriate or not. It may be in the interests of the indigenous beggars of Calcutta to repartiate them, but until I get that report it is not possible for me to give a proper answer.

Babu NARENDRA NARAYAN CHAKRABARTY: আমার প্রশ্ন হচ্ছে—যা নাকি প্রশ্নের (e)তে আছে—অবাঙ্গালী ভিক্ষুকদের repatriate করার জন্য আইন প্রণয়ণ গভর্ণমেণ্ট বিবেচনা যোগ্য মনে করেন কি না? তার উত্তরে মন্ত্রী মহাশয় বোলেছেন যে Rotary Club কর্ত্তৃক প্রেরিত কতিপয় প্রশ্ন সম্বন্ধে Corporationএর অভিমত আমন্ত্রণ করা হয়েছে, তাই আমার supplementary question হচ্ছে: Rotary Club এবং দেশের অন্যান্য প্রতিষ্ঠান যে Policy of Repatriation সমর্থন কোরেছেন সেটা মন্ত্রী মহাশয় জ্ঞাত আছেন কি?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, the report of the Calcutta Corporation has suggested that—and I understand that in the Vagrancy Bill which they have put up there is some clause to that effect; also I saw in to-day's papers that the Calcutta Corporation also have considered the question of repatriation,—but whether repatriation will be a practical proposition or not still remains to be seen.

Babu NARENDRA NARAYAN CHAKRABARTY: ১৮৪০ সনের Vagrant Act সংশোধন কোরে ভবঘুরেদের ব্যবসায় বন্ধ করার জন্য মন্ত্রী মহাশয় রাজী আছেন কি?

Mr. SPEAKER: That question does not arise.

Mr. SURENDRA NATH BISWAS: Is the Hon'ble Minister aware that there is an institution in Calcutta called the "Refuge"?

Mr. SPEAKER: That question does not arise.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether it is a fact that the "Refuge" authorities have sold a portion of their properties and have contracted to sell a portion of their properties and with the sale proceeds thereof they have contracted to purchase some land in the vicinity of Calcutta for giving shelter to beggars?

The Hon'ble Mr. H. S. SUHRAWARDY: I am not aware of all these facts. I submit, Sir, that the question as to what the "Refuge" has done hardly arises in this question.

*Mr. SURENDRA NATH BISWAS: Is the Hon'ble Minister aware that the petition by the "Refuge" authorities is pending with the Government for giving formal sanction to the "Refuge" authorities to sell out a portion of their property, and that the petition was submitted in January last?

Mr. SPEAKER: That question does not arise.

Babu NARENDRA NARAYAN CHAKRABARTY: গতকল্য করপোরেশনের সভায় ডাঃ বিধানচন্দ্র রায় ভিক্ষুক সমস্যা সম্বন্ধে যে সমস্ত প্রস্তাব উপস্থাপিত কোরেছেন, এবং যেগুলি কলিকাতা করপোরেশন কর্তৃক সমর্থিত ও গৃহীত হয়েছে সেগুলির প্রতি মন্ত্রী মহাশয়ের দৃষ্টি আকর্ষিত হয়েছে কি ?

Mr. SPEAKER: That question does not arise.

Mr. JOGESH CHANDRA GUPTA: In the matter of beggars, does the Hon'ble Minister believe in the maxim that where ignorance is bliss, it is folly to be wise?

Mr. SPEAKER: That question does not arise.

Examination and treatment of the patients taken to Calcutta Medical College Hospital.

*188. Rai HARENDRA NATH CHAUDHURI: (a) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(i) whether it is a fact that patients going to the Calcutta Medical College now-a-days receive indifferent attention and treatment;

(ii) whether it is a fact that one Bimal Kumar Adhikari, a student of the Vidysagar College, suffering from the effects of opium poisoning was taken to the Medical College Hospital on the night of the 6th April, but instead of being treated or kept under observation was sent away with an ordinary prescription for heart trouble;

(iii) whether it was a fact that the patient died of the effects of opium poisoning the next morning; and

(iv) whether it was a fact that at the Coroner's inquest on the death, two doctors of the Medical College Hospital who examined the patient made contradictory statements about the patient?

(*b*) If the answers to (*a*) are in the affirmative, is the Hon'ble Minister considering it desirable that an enquiry should be made into this matter?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) (*i*) No such cases have been brought to my notice.

(*ii*) Bimal Kumar Adhikari was brought to the Medical College Hospital on the night of the 6th April by some of his friends who stated that they suspected that he had taken some poison. They did not say that they suspected opium poisoning. The patient was examined by the medical officers in charge and he was kept under observation for more than an hour but no symptoms or signs of opium poisoning or of poisoning of any kind were observed. The patient himself, when questioned by the Medical Officer, denied having taken any poison but stated that he was suffering from heart trouble and that he had palpitation of the heart. Both the doctors who examined him found that he was suffering from inflammation of the muscles of the heart and medicine was prescribed accordingly.

(*iii*) Yes.

(*iv*) In the statements of the two doctors in question there was unanimity on the point that no signs or symptoms of poisoning were exhibited by the patient.

(*b*) A thorough enquiry has been made and the facts mentioned in answer to question (*a*) were elicited as the result of this enquiry.

[illegible] of Police, Rangpur.

*189. **Maulvi ABU HOSSAIN SARKAR:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether a military officer has been posted in Rangpur in the position of Additional Superintendent of Police?

(*b*) If so, what are his specific duties?

(*c*) Whether it is a fact that he has introduced house systems in areas where students generally reside?

(*d*) Whether it is a fact that he is compelling students through local school authorities to wear identification badges?

(*e*) Whether it is a fact that some teachers of local schools have been recruited to watch the movements of students?

(*f*) If the answers to (*c*) to (*e*) are in the affirmative, what are the reasons for such interference with the study atmosphere of the schools?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) A Military Intelligence Officer has been posted to Rangpur. He has the powers of an Additional Superintendent of Police.

(*b*) (*i*) Police intelligence, (*ii*) liaison between the civil and military authorities, and (*iii*) constructive work in schools.

(*c*) No: only in schools.

(*d*) No: the term "identification badge" is misleading. House "colours" have been introduced in order to encourage a spirit of emulation and *esprit de corps*.

(*e*) No.

(*f*) Does not arise.

Collapse of several Loan Companies of Bengal.

*190. **Mr. SURENDRA NATH BISWAS:** (*a*) Is the Hon'ble Minister in charge of the Finance Department aware—

(*i*) that almost all loan companies of Bengal, numbering about 800, have practically collapsed;

(*ii*) that those loan companies used to serve as the principal non-official agencies in the mufassal to supply credit facilities to the agriculturists; and

(*iii*) that with the collapse of those loan companies, the rural credit has been affected?

(*b*) Is it a fact that the Hon'ble Minister had promised to the deputation of the Bengal Loan Companies' Association that Government would appoint either a committee or an officer to investigate the affairs of the loan companies with a view to finding means as to how the Government could help those institutions?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state whether a Committee or an officer has been appointed for the said purpose?

(*d*) If so, with what result?

(*e*) If not, why not?

(*f*) Is the Hon'ble Minister aware of the effect of the operation of the Bengal Agricultural Debtors Act of 1935 on the position of those loan companies?

(*g*) Are the Government considering the desirability of amending the aforesaid Act, so far as those loan companies are concerned?

MINISTER in charge of the FINANCE DEPARTMENT (the Hon'ble Mr. Nalini Ranjan Sarker): (*a*) (*i*) I do not claim to know the exact number of loan companies in Bengal. My information is that many loan companies are at present in a state of suspended animation.

(*ii*) I am aware that loan companies used to be one of the important agencies for the supply of rural credit.

(*iii*) To the extent to which supply of rural credit by the loan companies has ceased, rural credit has been affected adversely.

(*b*) It is true that a deputation of the Bengal Loan Companies' Association saw me. But I gave them no assurance on behalf of the Government nor any assurance personally. All that I said was that my personal view was that, if the loan companies sought to be helped in any way, the first thing necessary was that their affairs should be investigated by a special officer or a Committee appointed by Government, and I promised to communicate the requests of the deputation and also my personal opinion on this subject to the Hon'ble Minister in charge of the department concerned.

(*c*) to (*e*) Do not arise.

(*f*) I have heard complaints from some of the loan companies that the operation of the Bengal Agricultural Debtors Act of 1935 has adversely affected the loan companies.

(*g*) I am not competent to answer this question.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he considers it desirable to go through the complaints of the loan companies which have been put up before him?

The Hon'ble Mr. NALINI RANJAN SARKER: That is not my portfolio.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he gave an assurance to the representatives of the loan companies that he would put up the matter before the Cabinet?

The Hon'ble Mr. NALINI RANJAN SARKER: That I have already answered.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state if he has referred the matter to the Cabinet?

Mr. SPEAKER: That question does not arise.

Babu NAGENDRA NATH SEN: Will the Hon'ble Minister be pleased to state whether it is a fact that the number of loan companies in Bengal is in the neighbourhood of 800 and that this fact can be gathered from the register of the Joint Stock Companies?

The Hon'ble Mr. NALINI RANJAN SARKER: May be so.

Mr. SURENDRA NATH BISWAS: The Hon'ble Minister's answer is this: "I promised to communicate the requests of the deputation and also my personal opinion on this subject to the Hon'ble Minister in charge of the department concerned". My question is whether he has communicated the requests of the deputation and his personal opinion to the Hon'ble Minister concerned.

The Hon'ble Mr. NALINI RANJAN SARKER: Yes, I did.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state what is the view of the Hon'ble Minister in charge of the department, to whom he communicated his personal opinion?

Mr. SPEAKER: May I know who is the Minister in charge?

Babu NAGENDRA NATH SEN: Yes, that is the question I was going to ask.

Mr. SPEAKER: The question was sent at first to the Co-operative Department. Then we were told that this was not within the purview of that department, and it was thereupon sent to the Hon'ble the Finance Minister who now says "It is not my portfolio". May I know whose portfolio it is?

The Hon'ble Mr. NALINI RANJAN SARKER: It relates to the Commerce Department. It was sent to me because there were certain matters within my knowledge I received a deputation and I promised to do certain things.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble the Commerce Minister be pleased to state whether the Hon'ble the Finance Minister communicated to him the requests of the deputation of the loan offices and also his personal opinion?

Mr. SPEAKER: That question does not arise.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister in charge of the Commerce Department be pleased to state whether he has considered the requests of the deputation?

Mr. SPEAKER: That question does not arise.

The Hon'ble Mr. NALINI RANJAN SARKER: The request of the deputation has been communicated to the Hon'ble Minister in charge.

Mr. SPEAKER: Mr. Biswas, your question was addressed to the Finance Department, and the Hon'ble the Finance Minister says that he has sent it to the Hon'ble the Commerce Minister. So, now you will have to put your question to the Minister in charge.

Mr. SURENDRA NATH BISWAS: The request of the deputation has been put up before the Commerce Minister, and I am asking him whether he has considered that request?

Mr. SPEAKER: That question does not arise here.

Mr. ATUL KRISHNA GHOSE: Will the Hon'ble the Finance Minister be pleased to state, if I have understood him all right, as to who is competent to answer that question?

Mr. SPEAKER: That question does not arise.

Dr. NALINAKSHA SANYAL: Will the Government be pleased to state—I use the word "Government" deliberately, because I have a parliamentary right to ask questions in that form—what action has been taken on the request of the deputationists for an enquiry into this matter?

Mr. SPEAKER: I do not deny that you are competent to ask a question, but so far as this particular question is concerned we are in a muddle.

Dr. NALINAKSHA SANYAL: The Hon'ble the Chief Minister can explain. It is not a matter to be taken lightly. It is a very serious question, for eight hundred loan companies are concerned.

Mr. SPEAKER: You put that question to the Hon'ble the Finance Minister.

Dr. NALINAKSHA SANYAL: Sir, the Hon'ble the Finance Minister appears to be helpless. It will solve the trouble if the Hon'ble the Chief Minister makes a statement and assures us that an enquiry will be made.

Mr. SPEAKER: No, I cannot allow that.

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir. Will not that be avoiding answer to the question if it is disowned by the Hon'ble the Finance Minister in the way he has done?

Mr. SPEAKER: The whole trouble has arisen because Mr. Biswas has put the question to the Hon'ble the Finance Minister. The Hon'ble the Finance Minister can answer but that does not bring that portfolio within his charge. If Mr. Biswas had addressed the question to the Co-operative Department I think it would have been all right.

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir. It appears from your statement that the question was sent from pillar to post and from post to pillar. If that be a fact, is it not avoiding an answer to a question?

Mr. SPEAKER: No. It was sent from the Finance Department to the Co-operative Department and not from pillar to post (laughter).

Rai HARENDRA NATH CHAUDHURI: In that case, Sir, it will be avoiding an answer to the question.

The Hon'ble Mr. NALINI RANJAN SARKER: The question asks whether the Finance Minister has received a deputation and whether he assured it this or that thing. Whatever is within my knowledge I can state, but as regards matters that are within the knowledge of other Ministers I cannot say anything.

Mr. SURENDRA NATH BISWAS: Sir, a deputation waited on the Hon'ble the Finance Minister presumably believing that he was the competent authority. It made some request to him and he promised to take some action on that request and the Hon'ble the Finance Minister now states before the House that he has communicated that request

to a particular Minister. We, the members of this House, are entitled to know what action has been taken on that request. When it is a settled fact that the request reached the Government it does not matter which Minister has got it.

Mr. SPEAKER: Mr. Biswas, you can ask that question and you are perfectly entitled to do so, but the question cannot be addressed to the Hon'ble the Finance Minister.

Mr. SURENDRA NATH BISWAS: Sir, I am sorry. It is a patent fact that the Hon'ble the Finance Minister has communicated those requests to the Minister concerned who does not deny that those requests have actually been communicated to him. Now, will not the honourable members of this House get a reply to my questions because the whole of Bengal is interested about the fate of those eight hundred loan companies?

Mr. SPEAKER: I will make the position clear. Is the Hon'ble the Commerce Minister prepared to reply?

The Hon'ble Mr. H. S. SUHRAWARDY: Sir, I can reply only so far as it has been considered by me and not further.

Dr. NALINAKSHA SANYAL: Let us hear what you have considered?

The Hon'ble Mr. H. S. SUHRAWARDY: Yes, after you put the question (laughter).

Mr. SURENDRA NATH BISWAS: I have already put the question. Will the Hon'ble the Commerce Minister be pleased to state what action, if any, has been taken upon the requests of the deputationists communicated to him?

The Hon'ble Mr. H. S. SUHRAWARDY: It is receiving my consideration (laughter).

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state how long the matter has been receiving his consideration?

The Hon'ble Mr. H. S. SUHRAWARDY: It is receiving my consideration for some time as it is not an easy matter. If the loan companies are in perilous condition, so are co-operative banks, so are

ordinary money-lenders and mahajans and so is everybody who gives loans to agriculturists. All these things have got to be considered and if the honourable member want to get a quick decision, he may not like it.

Dr. NALINAKSHA SANYAL: The question time is over. Sir, will you please extend it in view of the fact that to-day is the last day of the session, otherwise——

Mr. SPEAKER: I am quite prepared to extend it for half an hour if the Leader of the House has no objection.

The Hon'ble Mr. A. K. FAZLUL HUQ: We have no objection.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state how long he may take to consider this question?

The Hon'ble Mr. H. S. SUHRAWARDY: Questions of this nature have been repeatedly put and answers have also been repeatedly given in the same manner, namely, I do not know.

The students of the Bengal Veterinary College, Belgachia.

*191. **Al-Haj Maulana Dr. SANAULLAH:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to lay on the table a statement showing the total number of admitted—

(*i*) Muslim students; and

(*ii*) non-Muslim students;

with their corresponding—

(1) names,

(2) academic qualifications,

(3) ages,

(4) date of receiving each application,

(5) districts of domicile of each student during this session in the Bengal Veterinary College, Belgachia, and

(6) year by year, the percentage of—

Muslim students,
non-Muslim students,
Bengali students, and
non-Bengali students

during the last 5 years?

(*b*) The percentage of—

(*i*) Muslim members;

(*ii*) non-Muslim members in the teaching staff;

(*iii*) Bengali members;

(*iv*) non-Bengali members in the teaching staff;

(*v*) the percentage of other Muslims;

(*vi*) non-Muslim;

(*vii*) Bengali; and

(*viii*) non-Bengali employees year by year, the number and value of each stipend given to the Muslim and non-Muslim students during the last 5 years in the said college?

MINISTER in charge of the AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Khwaja Habibullah Bahadur, of Dacca): Statements are laid on the table.

Statements referred to in the reply to part (a) (i) and (ii) of starred question No. 191.

MUSLIM STUDENTS.

Serial No.	Names.	Academic qualifications	Ages.	Date of receiving each application	District of domicile.	Whether stipendiary or private.
1	2	3	4	5	6	7
1	A. K. M. Abdul Maleque Khan	Non-Matric	18	1-6-1938	Bakarganj ..	Private.
2	Md. Forquan Uddin .	I.A. .	21	1-6-1938	Bogra ..	Ditto.
3	Md. Matiar Rahman .	Matric ..	24	7-6-1938	Cooch-Behar ..	Ditto.
4	Reazuddin Ahmed ..	Do. ..	22	8-6-1938	Calcutta ..	Ditto.
5	Anwar Hossain .	Do. ..	18	2-5-1938	Bakarganj ..	Ditto.
6	Hafiz Seraj Din .	Non-Matric	18	20-6-1938	Punjab ..	Ditto.
7	Golam Kibria ..	Matric. ..	19	16-6-1938	Noakhali ..	Ditto.
8	Belayet Hossain ..	Do. ..	21	20-6-1938	Bakarganj ..	Ditto.
9	Aminar Rahman ..	Do. ..	18	20-6-1938	Dinajpur ..	Ditto.
10	Saleh Ahmed ..	Do. ..	19	30-6-1938	Noakhali ..	Ditto.

Serial No.	Names.	Academic qualifications.	Ages.	Date of receiving each application.	District of domicile.	Whether stipendiary or private.
1	2	3	4	5	6	7
11	Abdullah Yusuf Ali ..	Matric ..	18	2-7-1938	Bakarganj ..	Private.
12	Syed Aminar Rahman ..	Do. ..	18	27-6-1938	Tippera ..	Ditto.
13	A. B. M. Fazle Wahid ..	Do. ..	18	14-7-1938	Jalpaiguri .	Ditto.
14	Md. Nural Islam . ..	Do. .	20	21-6-1938	Bakarganj ..	Ditto.
15	Minir Ahmed ..	B Sc. .	22	27-7-1938	Chittagong ..	Ditto.
16	Sardar Mahamed Abdur Rahim.	Matric .	19	9-6-1938	Jessore ..	Jessore District Board.
17	Ahmed Ali Mia .	Non-Matric	18	20-6-1938	Mymensingh .	Mymensingh District Board.
18	Habib Uddin Chowdhury	I A.	22	30-6-1938	Sylhet	Assam Government.
19	Md. Abdur Rahman .	B A	19	30-6-1938	Ditto	Ditto
20	Zainal Abedin .	I A .	20	29-7-1938	Moradabad, United Provinces.	United Provinces Government
21	Jamal Uddin Md Kazim	B Sc. ..	21	4-7-1938	Baghdad, Iraq	Iraq Government.

N.B.—Seats were reserved for Iraq, United Provinces and Assam Governments' stipendiaries in May, 1938

Non-Muslim Students.

Serial No	Names	Academic qualifications	Ages.	Date of receiving each application.	District of domicile	Whether stipendiary or private
1.	2	3	4	5	6	7
1	Gurudas Banerjee ..	Matric ..	19	1-5-1938	Hooghly ..	Private.
2	Amal Kanti Sen Gupta ..	Do. ..	18	9-5-1938	Barisal ..	Ditto.
3	Benoy Bhusan Ghosh ..	Do. ..	21	29-4-1938	Calcutta ..	Ditto.
4	Sachindra Nath Kumar ..	Do. ..	19	12-5-1938	Ditto ..	Ditto.
5	Jitendra Nath Dutt ..	Do. ..	20	11-5-1938	Burdwan ..	Ditto.
6	Nirmal Chandra Roy ..	Do. ..	20	17-5-1938	Dacca ..	Ditto.
7	Probodh Kumar Bose ..	B.Sc. ..	22	1-6-1938	Calcutta ..	Ditto.
8	Nirmal Kanti Dutt ..	Matric ..	18	24-5-1938	Chittagong ..	Ditto.
9	Hemendra Lal Roy ..	Do. ..	18	11-5-1938	Jessore ..	Ditto.
10	Dwijes Chandra Nag ..	Do. ..	18	8-5-1938	Noakhali ..	Ditto.
11	Probhutosh Basu ..	I.A. ..	19	8-5-1938	Calcutta ..	Ditto.
12	Bhupendra Nath Mondal	Matric ..	23	21-5-1938	Bogra ..	Ditto.
13	Ramendra Ranjan Sen ..	Do. ..	19	24-5-1938	Dacca ..	Ditto.
14	Panchanan Chatterjee ..	B.Sc. ..	26	2-6-1938	Hooghly ..	Ditto.
15	Sashanka Sehar Chatterjee	Matric ..	24	1-5-1938	Calcutta ..	Ditto.

Serial No.	Names.	Academic qualifications.	Ages.	Date of receiving each application.	District of domicile.	Whether stipendiary or private.
1	2	3	4	5	6	7
16	Jogeswar Mukherjee ..	Matric ..	18	36-4-1938	24-Parganas ..	Private.
17	Bibhuti Bhusan Chatterjee	Do. ..	22	28-4-1938	Calcutta ..	Ditto.
18	Narendra Nath Sarkar ..	Do. ..	18	1-5-1938	Rajshahi ..	Ditto.
19	Susil Kumar Mitra ..	Do. ..	21	2-6-1938	Calcutta ..	Ditto.
20	Bijoy Krishna Sarkar ..	B.Sc. ..	21	1-6-1938	Hooghly ..	Ditto.
21	Debangshu Bhusan Mukherjee.	M.Sc. ..	23	22-6-1938	Calcutta ..	Ditto.
22	Probhat Kushum Chatterjee	Non-Matric	19	27-5-1938	Howrah ..	Ditto.
23	Shama Prosad Sen Karmokar.	B.Sc. ..	21	25-5-1938	Birbhum ..	Ditto.
24	Radhika Ranjan Nag ..	Matric ..	18	20-5-1938	Rajshahi .	Ditto.
25	Ranjit Kumar Dutt ..	B.A .	22	9-6-1938	Dacca ..	Ditto.
26	Bhabesh Chandra Kundu	I.A. .	18	25-5-1938	Bogra ..	Ditto.
27	Gangadhar Sarkar ..	Matric ..	19	28-6-1938	Faridpur .	Ditto.
28	Birabrata Bose ..	Do. ..	20	2-6-1938	Calcutta ..	Ditto.
29	Ranendra Kissore Roy .	Do ..	20	28-5-1938	Sylhet ..	Ditto.
30	Bhabani Sankar Sarkar ..	Do. ..	22	29-6-1938	Birbhum ..	Ditto.
31	Saroj Kumar Dey .	Do. ..	19	30-6-1938	Cooch-Behar .	Ditto.
32	Sachindra Nath Ghosh ..	Do. .	20	30-6-1938	Khulna .	Ditto.
33	Amarendra Nath Chakravarty.	Do. ..	19	18-4-1938	Mymensingh ..	Mymensingh District Board.
34	Amiya Kumar Ghosh ..	Do. ..	20	28-4-1938	Khulna .	Khulna District Board.
35	Phanindra Lall Mazumdar	Do. ..	20	20-6-1938	Bogra ..	Bogra District Board.
36	Merold Chant Tariang .	I.Sc. ..	20	4-7-1938	Khasia-Jaintia (Assam).	Assam Government.
37	Harnarayan Kapur ..	I.A. ..	22	15-7-1938	Lucknow ..	United Provinces Government.
38	Ram Saran Misra	I.A. ..	23	15-7-1938	Barabanki ..	Ditto.
39	Suraj Narayan Mathur ..	I.A. .	23	26-7-1938	Allahabad ..	Ditto.
40	Qadam Singh Balyan ..	I.A. ..	26	25-7-1938	Muzaffarnagar	Ditto.
41	Bidyasagar Gupta ..	I.Sc ..	22	23-7-1938	Furrakabad	Ditto.
42	Samrath Singh Rajkumar	I.Sc. .	22	23-7-1938	Sultanpur ..	Ditto.
43	Tejh Bahadur ..	I.A. ..	20	25-7-1938	Allahabad ..	Ditto.
44	Joydet Bisht ..	I.A. ..	24	17-7-1938	Almorah ..	Ditto
45	Sudhakar Dwibedi ..	B.Sc. ..	21	27-7-1938	Lucknow ..	Ditto.

N. B.—Seats were reserved for Assam and United Provinces Governments' stipendiaries in May, 1938.

Statement referred to in the reply to part (a) (6) of starred question No. 191.

	1933-34.	1934-35.	1935-36.	1936-37.	1937-38.
Muslim ..	21·1	23·5	25·2	31·5	30·4
Non-Muslim ..	78·8	76·4	74·7	68·4	69·5
Bengali ..	32·6	38·8	40·2	42·3	46·8
Non-Bengali ..	67·3	61·1	59·7	57·6	53·1

Statement referred to in the reply to part (b) (i) to (iv) of starred question No. 191.

	1933-34.	1934-35.	1935-36.	1936-37.	1937-38.
(i) Muslim ..	37·5	37·5	37·5	25·0	25·0
(ii) Non-Muslim ..	62·5	62·5	62·5	75·0	75·0
(iii) Bengali ..	87·5	87·5	87·5	100·0	100·0
(iv) Non-Bengali .	12·5	12·5	12·5	Nil	Ni

Statement referred to in the reply to part (b) (v) to (viii) of starred question No. 191.

	1933-34.	1934-35.	1935-36.	1936-37.	1937-38.
(v) Muslim ..	44·4	41·6	47·5	37·8	44·4
(vi) Non-Muslim .	55·5	58·3	52·9	62·1	55·5
(vii) Bengali ..	72·2	72·2	73·5	78·3	77·7
(viii) Non-Bengali ..	27·7	27·7	26·4	21·6	22·2

Statement referred to in the reply to part (b) (viii) of starred question No. 191.

(A) Award of 10 Bengal Government stipends of Rs. 12-8 each per month.

	1933-34.	1934-35.	1935-36.	1936-37.	1937-38.
	No.	No.	No.	No.	No.
(I) Muslim ..	1	1	1	1	1
(II) Non-Muslim ..	9	9	9	8	7

(B) Award of one Shew Bux Boghla Veterinary Scholarship of Rs. 11 each per month.

	1933-34.	1934-35.	1935-36.	1936-37.	1937-38.
	No.	No.	No.	No.	No.
(1) Muslim ..	1	1	1	Nil	Nil
(2) Non-Muslim ..	1	1	1	1	1

N.B.—The one Shew Bux Boghla Veterinary Scholarship of Rs. 11 per mensem was equally divided among one Muslim and one non-Muslim students during the years 1933-34, 1934-35 and 1935-36, as both of them were equally deserving and fulfilled the conditions.

Al-Haj Maulana Dr. SANAULLAH: In view of the fact that there were many Muslim qualified candidates for admission to the Bengal Veterinary College this year, will the Hon'ble Minister be pleased to state the reasons for lowering the percentage of Muslim students?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: As far as I am aware all the Muslim students who applied and were qualified were taken in.

Al-Haj Maulana Dr. SANAULLAH: Will the Hon'ble Minister be pleased to state how many Muslim students applied this year and how many of them were taken in?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: I want notice.

Agricultural operations in Government farms.

***192. Dr. H. C. MUKHERJI:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether agricultural operations on an economic basis are carried on in all Government Farms?

(*b*) If the answer to (*a*) is in the negative, what is the reason for not having a uniform policy in this matter for all of them?

(*c*) (*i*) What was the area cultivated on this plan in Government Farms in 1935-36, 1936-37 and 1937-38?

(*ii*) What proportion did it bear to the total area under cultivation in such farms?

(*d*) Are the crops grown on this system in the different Government Farms sold in the open market and at competitive prices?

(e) If the answer to (d) is in the affirmative, will the Hon'ble Minister be pleased to state—

(i) whether any profit is made;

(ii) if so, what did this profit amount to in each of the years 1935-36, 1936-37 and 1937-38; and

(iii) what was the average profit per bigha per year during each of these years?

(f) In calculating the expenses, are items like cost of labour, seeds, manures, and supervision, rent of land, interest on capital invested, depreciation of agricultural implements and live-stock and other legitimate expenditure connected with agricultural operations taken into account?

(g) If the answer to (f) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a statement showing the income and expenditure calculated on this plan for crops grown on economic plan in the Dacca and the Chinsura Agricultural Farms respectively during the years 1935-36, 1936-37 and 1937-38?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (a) Agricultural operations on an economic basis are carried on in all Government Farms except the Government Tobacco Farm, Rangpur, which is purely an experimental farm for a special crop.

(b) Does not arise.

(c) (i) 109·45, 128·54 and 134·52 acres during the years 1935-36, 1936-37 and 1937-38, respectively.

(ii) Ratio ·129, ·136 and ·137 during the years 1935-36, 1936-37 and 1937-38, respectively.

(d) The crops grown on this system are primarily intended for the supply of seeds, cuttings, etc., to meet local and outside demands. In farms where surplus stocks are available, they are generally sold after calling for tenders or at the highest available rate.

(e) (i) Yes.

(ii) In 1935-36, the profit amounting to Rs. 1,544-3-4 was derived from the economic cultivation of 6 farms only out of 19 farms, in 1936-37, Rs. 1,492-2-6½ from 10 farms only out of 18 farms and in 1937-38, Rs. 756-8-2 from 7 farms only out of 19 farms. The low profits of 1936-37 and 1937-38 were due to abnormal weather conditions. Heavy establishment and other overhead charges reduce the margin of profit and even in case of certain farms entail loss.

(iii) Rs. 11-14, Rs. 5-3-3 and Rs. 3-6 per *bigha* during the years 1935-36, 1936-37 and 1937-38, respectively, on those farms where a profit was made.

(*f*) Yes, these items are taken into account.

(*g*) Financial statements of the Dacca and Chinsura Agricultural Farms during the years 1935-36, 1936-37 and 1937-38 are laid on the Library table.

Establishments of the District and Subdivisional Magistrates of Bengal.

***193. Mr. SHAHEDALI:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that a sub-grade on Rs. 35—2/2—55 has been introduced in the establishments of the District and Subdivisional Magistrates of Bengal; and

(*ii*) that the Swan Committee of 1922 fixed the pay of the District Office clerks of the lower division as an irreducible minimum and refrained from recommending a reduction of their rates of pay?

(*b*) Will the Hon'ble Minister be pleased to state whether it is in the contemplation of the Government to reduce the pay of other clerks in other departments doing the same routine works?

(*c*) Is the Hon'ble Minister aware of a feeling amongst the public over retrenchment of the salary of clerks drawing Rs. 100 or less per month?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) Yes.

(*ii*) No retrenchment committee has power to fix anything: the most it can do is to make recommendations for the consideration of Government.

(*b*) Yes.

(*c*) No.

Kurseong and Darjeeling towns held under freehold leases by Cooch Behar Maharaj Estate and Maharaja Burdwan Estate.

***194. Babu KHAGENDRA NATH DAS GUPTA:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that the Cooch Behar Maharaj Estate and the Maharaja Burdwan Estate hold almost the whole of Kurseong and Darjeeling towns under freehold leases in perpetuity;

(*ii*) that the Government get no revenues from them; and

(*iii*) that the said estates realise rents from their tenants by enhancing them on the expiration of periodical leases?

(b) If the answer to (a) is in the affirmative, is the Hon'ble Minister considering the advisability of introducing measures to curtail the freehold interests of the proprietors of these two estates and to fix reasonable rate of rents to be payable by them and also to fix a proportionate and reasonable rate of rent payable by the existing under-tenants?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a)(i) The Cooch Behar Darbar holds an area of 34·92 acres of land while the Maharaja of Burdwan holds a larger area.

(ii) Yes, as Government have already realised the capitalised value of the revenue payable for the areas in question.

(iii) Government have no such information but it is understood that when a lease expires rent can be changed.

(b) Does not arise.

Babu KHAGENDRA NATH DAS GUPTA: Will the Hon'ble Minister be pleased to state the reasons that led Government to realise the capitalised value of the revenue payable for the areas in question and what was the amount realised?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is very difficult to answer this question because this happened about a century ago.

Employees serving in Khulna under the Communications and Works Department.

*195. **Babu PATIRAM ROY:** Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to lay on the table a statement showing—

(a) the number of employees (rank by rank) at present serving in the Communications and Works Department of Khulna;

(b) the total number of employees (grade by grade) from the Scheduled Castes of the cultivating classes;

(c) the important schemes adopted by the department in 1937 and 1938; and

(d) the amounts (head by head) that were spent on those schemes?

MINISTER in charge of the COMMUNICATIONS and WORKS DEPARTMENT (the Hon'ble Maharaja Sris Chandra Nandy, of Cossimbazar): (a) and (b) *Vide* statement enclosed.

(*c*) (*i*) Construction of the Agricultural Institute at Daulatpur (Khulna).

(*ii*) Re-excavation of the Nowkhali *khal*.

(*iii*) Re-excavation of the Satkhira *khal*.

(*d*) Rs. 1,78,836 spent in the financial year 1937-38 and Rs. 144 in April and May of the financial year 1938-39 on item (*i*).

Rs. 19,070-2 spent out of the Government of India grant in the financial year 1937-38 on item (*ii*).

Item (*iii*) not yet started.

Statement referred to in the reply to clauses (a) and (b) of starred question No. 195.

THE NUMBER OF EMPLOYEES (RANK BY RANK) AT PRESENT SERVING IN THE COMMUNICATIONS AND WORKS DEPARTMENT OF KHULNA DISTRICT.

	Rank.	No.
	Permanent posts.	
(*a*)	Executive Engineer	1
	Assistant Engineer	1
	Overseers	7
	Lower Subordinates	2
	Estimator	1
	Draftsman	1
	Accountant	1
	Head Clerk	1
	Accounts clerks	3
	Correspondence clerks	2
	Typist	1
	Traffic clerk	2
	Subdivisional clerks	2
	Peons	5
	Barkandazes	2
	Duftry	1
	Temporary posts.	
	Overseer	1
	Accounts clerk	1
	Correspondence clerks	2
	Peon	1
	Manjhies	4
	Dandies	4

THE TOTAL NUMBER OF EMPLOYEES (GRADE BY GRADE) FROM THE SCHEDULED CASTES OF THE CULTIVATING CLASSES.

Rank.	No.
Temporary posts.	
(b) *Manjhies*	3
Dandies	2

Mr. SYED JALALUDDIN HASHEMY: With reference to item (c) (iii), will the Hon'ble Minister be pleased to state when the work can be taken up by Government?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: If the honourable member refers to Satkhira Khal, it will, I think, be taken up this winter.

Irrigation and agricultural development of the villages of Dhalai and Farhadabad.

*196. **Al-Haj Maulana Dr. SANAULLAH:** Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state what steps, if any, have been taken or do the Government propose to take on the application, dated the 25th November, 1937, together with enclosures submitted by Maulvi Nabidur Rahman, B.L., and Farrukh Ahmad, B.L., the Secretaries of the Dhalai-Farhadabad Co-operative Society, in the district of Chittagong, regarding the irrigation and agricultural development of the villages Dhalai and Farhadabad?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: No application, dated the 25th November, 1937, has been received. Two petitions of much earlier dates on the subject were however received by the Collector of Chittagong. A scheme was suggested by the Agriculture Department, but the same was found by the organisers to be too costly for them to carry out and they proposed submitting to the Collector a revised scheme which has not yet been received.

Mathamuhari river in Chakaria thana.

*197. **Khan Bahadur Maulvi JALALUDDIN AHMAD:** Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware that Mathamuhari river in the Chakaria thana is constantly shifting its course causing mischief to villages and vast tract of arable land by its recurring floods?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: The river occasionally shifts its course. Damage to crops by the flooding is only occasional, being confined to years of heavy rainfall.

Embankment of river Mor in the district of Birbhum.

***198. Dr. SHARAT CHANDRA MUKHERJI:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware—

(*i*) that the embankment on the south bank of river Mor near village Lambodarpur, thana Suri, district Birbhum, broke through about 26 years ago;

(*ii*) that damages were done to about 2,000 *bighas* of paddy fields belonging to the *raiyats* of 12 villages by deposits of sand;

(*iii*) that the distressed *raiyats* submitted a number of petitions to the local authorities and several memorials to their Excellencies the Governors of Bengal for redress of their grievances by repairing the said embankment; and

(*iv*) that the Government of Bengal in the Irrigation Department acknowledged receipt of the memorials and informed the memorialists by seven letters during the period from March, 1913, to November, 1916, that their case was receiving consideration of the Government?

(*b*) Is it a fact—

(*i*) that under orders of Government, survey was made, estimates and plans were prepared by the Irrigation Department about the year 1914; and

(*ii*) that the matter was kept in abeyance on account of financial stringency due to the European War?

(*c*) Is the Hon'ble Minister aware that up to this time no practicable steps have been taken in this direction?

(*d*) Is the Hon'ble Minister considering the desirability of—

(*i*) taking immediate steps in; and,

(*ii*) making suitable provision in the budget to carry out the scheme?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: The member is referred to the answer to starred question No. 488 delivered on the 8th April, 1938, at the Bengal Legislative Assembly.

Dr. SHARAT CHANDRA MUKHERJI: বিপদাপন্ন রায়তদের এই memorialগুলি গভর্ণমেন্টের হস্তগত হইয়াছিল কি না মন্ত্রী মহাশয় জানাইবেন কি ?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: Yes, the memorials were received.

Dr. SHARAT CHANDRA MUKHERJI: গত অধিবেশনের ৮ই এপ্রিল তারিখে এই বিষয়ের প্রশ্ন ও উত্তরের সময় আমি অনুপস্থিত থাকায় আমি supplementary question কোরতে পারিনি, আজ এ সম্বন্ধে আমি question কোরতে পারি কি ?

Item (*iv*) questionএ ছিল:—

That the Government of Bengal in the Irrigation Department acknowledged receipt of the memorials and informed the memorialists by seven letters during the period from March, 1913 to November, 1916, that their case was receiving consideration of the Government.

কিন্তু মন্ত্রী মহাশয় উত্তরে সে সম্বন্ধে কিছু বলেন নাই। বরং তিনি মেমোরিয়াল প্রাপ্তি সম্বন্ধে অস্বীকার কোরেছেন। এসম্বন্ধে কোন রকম কিছু করা হয় নাই এবং গভর্ণমেন্ট থেকে কোন উত্তরও দেওয়া হয় নাই।

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: The reply to item (*2*) of the question will show that the embankment in question belongs to some zemindars and they were liable to maintain it.

Dr. SHARAT CHANDRA MUKHERJI: গভর্ণমেন্ট এ সম্বন্ধে যা বিবেচনা কোরেছেন, সে বিষয়ে কিছু জানতে পারি কি ?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: I do not think, Government undertook to maintain this embankment.

Conferences on the proposed Secondary Education Bill.

***183. Rai HRENDRA NATH CHAUDHURI:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state the results of the Conferences that have hitherto taken place on the proposed Secondary Education Bill?

(*b*) Do the Government consider it desirable to publish the Bill for public information before taking its final decision on the Bill and introducing it in the Legislature?

(c) Are the Government aware that there is a growing volume of public anxiety regarding the proposed Bill?

The Hon'ble Mr. A. K. FAZLUL HUQ: (a) The views of people representative of different interests were ascertained.

(b) No decision has been reached, but I am considering the matter.

(c) Yes.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state what were the different interests consulted and whether the opinions that were expressed by them were in support of the Bill or were opposed to the Bill?

Mr. SPEAKER: The latter part does not arise.

Rai HARENDRA NATH CHAUDHURI: Sir, it arises in this way. In item (a), I asked what were the results of the Conference and he has not given out the results. Therefore, I ask, what were the different interests consulted, and were the opinions expressed in suport of the Bill or were they opposed to it?

The Hon'ble Mr. A. K. FAZLUL HUQ: Various opinions were expressed—some in favour and some against the Bill.

Rai HARENDRA NATH CHAUDHURI: What were the interests consulted?

The Hon'ble Mr. A. K. FAZLUL HUQ: There were members of both Houses of the Legislature, representatives of the Calcutta University and members of various Groups.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to state what were the results achieved—were they opposed to the Bill or they supported the Bill?

The Hon'ble Mr. A. K. FAZLUL HUQ: No Bill was placed before them; they were asked to discuss and consult the points on which the Bill was to be drafted.

Rai HARENDRA NATH CHAUDHURI: Will the Hon'ble Minister be pleased to admit or deny the truth of the statement that the Bill has been dropped?

The Hon'ble Mr. A. K. FAZLUL HUQ: The Bill was drafted on the basis of the discussion made and it was surreptitiously secured and published in the newspapers.

Rai HARENDRA NATH CHAUDHURI: My question is whether the Bill has been dropped.

The Hon'ble Mr. A. K. FAZLUL HUQ: No Bill has been dropped.

Rai HARENDRA NATH CHAUDHURI: Is the Hon'ble Minister aware that in the recent judgment in the case of Dhirendra Nath Sen *versus* Emperor the High Court Judge has remarked that it has been reported from the Bar that the Bill has been dropped?

Mr. SPEAKER: That question does not arise.

Babu NAGENDRA NATH SEN: With reference to (*c*), will the Hon'ble Minister be pleased to state whether he is prepared to modify his answer (*b*) and say that the Bill would be circulated for eliciting public opinion?

The Hon'ble Mr. A. K. FAZLUL HUQ: The Bill is under consideration of the Finance Department and unless a decision is reached I cannot take further steps.

Purchase of law books by the Registrar, High Court.

*200. **Mr. JASIMUDDIN AHMED:** (*a*) Is the Hon'ble Minister in charge of the Judicial and Legislative Department aware—

(*i*) that the Registrar of the Hon'ble High Court purchased a large number of law books last year for the several District Judges in Bengal from a particular European firm to the exclusion of all other booksellers of this country; and

(*ii*) that previous to this purchase the District Judges in Bengal were allowed discretion to select and purchase law books themselves?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, why was this practice suddenly discontinued last year?

(*c*) Is it a fact that the said Registrar purchased books not required by the District Judges and did not purchase books required by them?

(*d*) Is the Hon'ble Minister giving effect to the old practice of allowing District Judges to select their own law books and purchase from any bookseller they consider best?

MINISTER in charge of the JUDICIAL and LEGISLATIVE DEPARTMENT (the Hon'ble Nawab Musharruff Hossain, Khan Bahadur): (*a*) (*i*) and (*b*) A special grant was obtained in last year's budget amounting to Rs. 10,000 for a supply of books to Civil Courts. Rule 1019 of Civil Rules and Orders requires that every endeavour should be made to provide each court with a minimum library containing up-to-date editions of annotated Act and the text-books which are constantly required for use in court, and that for this purpose the annual budget allotment for book-purchase should be evenly distributed between the several courts in a district after spending what is required for the District Judge's library. There had been complaints that often expensive and not very necessary books were purchased for District Judges' libraries while Munsifs were not supplied with even up-to-date annotated codes. Government stipulated when making the grant that steps should be taken to see that the money was properly spent for the purpose of supplying really necessary books to as many courts as possible. In order to do this a system of central supply was arranged and the Registrar kindly undertook to do the work. Standard lists of books were prepared and Judges were consulted as to the requirements of their districts, and allotments of books instead of money were then made. A further grant of Rs. 22,000 has been made this year and it is proposed to adopt the same system, but the lists of standard books are being revised. The books were supplied last year through Butterworth and Company who delivered the books free of charge and allowed 10 per cent. discount on their own publication.

(*ii*) Yes; the amount available out of the allotments after subscriptions to *Law Reports* series had been paid was very small.

(*c*) No.

(*d*) After the special grants (if any) have been used in rehabilitating all libraries, the system of making allotments of money will be followed, but the standard lists will remain in force.

Post of Government Pleader and Public Prosecutor of Rajshahi.

*201. **Maulvi MOSLEM ALI MOLLAH:** (*a*) Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state—

(*i*) when the vacancy in the post of Government Pleader and Public Prosecutor of Rajshahi was advertised; and

(*ii*) whether the said vacancy has been filled up?

(*b*) If the answer to clause (*a*) (*ii*) is in the negative, will the Hon'ble Minister be pleased to state—

(*i*) when the vacancy will be filled up; and

(*ii*) when the present incumbent of the post will attain the age of retirement?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) (*i*) August, 1937.

(*ii*) No.

(*b*) (*i*) This matter is now under consideration of Government and orders will shortly be issued.

(*ii*) He has already attained the age of retirement.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state, with reference to (*a*) (*i*) and (*ii*), why the post was not filled up from August, 1937, in spite of the fact that advertisement was made and certain steps were taken thereon?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: First the matter went to the Public Service Commissioners and the Public Service Commission took more than 6 months to come to a decision, then the matter came to me and when it came to me the power of the Public Service Commission actually ceased; and now we have got to consider the matter anew: we have got to find out whether we should call for fresh application and whether we should dispose of the matter independently of the Public Service Commission's report. In these matters when the power has shifted from one authority to another, some time is required to come to a decision. In this case the pleader has been working very satisfactorily for the last 30 years and I can only say that if he is allowed to continue for a year longer Government will not suffer in any way.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that the Public Service Commission took a very long time in coming to a decision, because the Government interfered with the decision of the Public Service Commission, on the ground that they wanted a particular candidate whom the Public Service Commission would not recommend?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Not at all.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that after this continued difference of opinion, the Ministry advised the Governor to get a regulation passed excluding the appointment of Pleaders and Public Prosecutors from the purview of the Public Service Commission?

Mr. SPEAKER: This question does not arise.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state if it is a fact that, recently—that is, after the advertisement—these posts have been taken out of the purview of the Commission by a special Regulation under section 266 of the Government of India Act?

Mr. SPEAKER: It has been stated in the reply.

The Hon'ble Mr. A. K. FAZLUL HUQ: May I just intervene and say that the statement is not correct?

Mr. SPEAKER: But I have disallowed that question.

The Hon'ble Mr. A. K. FAZLUL HUQ: If they want this information I can give them the whole of it, Sir.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister please state in view of the statement made by the Hon'ble Minister, that these posts were taken out of the purview of the Public Service Commission, what was the exact date when this was done?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Unfortunately I cannot give you the exact date.

Dr. NALINAKSHA SANYAL: May I have even an approximate date?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Well, I can give you months—and it is perhaps two or three months ago.

Clemency under section 401 of the Criminal Procedure Code.

*202. **Mr. CHARU CHANDRA ROY:** Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to lay on the table a statement showing for the period from the 1st April, 1937, to the 30th June, 1938—

(a) the number of petitions that were received by the Government for clemency under section 401 of the Criminal Procedure Code, 1898;

(b) the names of the petitioners with the names of the offences they committed;

(c) the Act or Code and also the section under which they were convicted;

(d) the term of sentence in each case;

(e) the name of the Court by which the conviction was had or confirmed; and the place of their residences against each name;

(f) the number of the petitioners that got the clemency under the section;

(g) the names of the offences the petitioners referred to in (f) committed;

(h) the Act or Code and also the section under which they were convicted;

(i) the name of the Court by which the conviction was had or confirmed with the opinion given by the convicting or conforming Court under section 401 (2), if any; and

(j) their places of residences against each name?

The Hon'ble Nawab MUSHARRUFF HUSSAIN, Khan Bahadur: A statement is laid on the Library table.

Imposition of education cess in the Chittagong district.

*203. **Al-Haj Maulana Dr. SANAULLAH:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(a) how many representations protesting against the imposition of the education cess have been received from the district of Chittagong; and

(b) whether the Hon'ble Minister proposes to exempt the poor cultivators from the payment of the cess?

The Hon'ble Mr. A. K. FAZLUL HUQ: Five representations were received and considered. I am inclined to think that the protest against the imposition of cess is not quite genuine, and has been engineered by interested persons. I have, however, suspended the realisation of the cess for the present pending further enquiry.

Promotion of Maulvi Zulfiquar Ali of the Dacca Teachers' Training College.

*204. **Mr. HARENDRA KUMAR SUR:** (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is a fact—

(i) that Maulvi Zulfiquar Ali of the Dacca Training College entered into Government service as a Sub-Deputy Collector;

(ii) that he was discharged from the Subordinate Civil Service on account of his failure to pass the departmental examinations;

(iii) that he was an ordinary B.A. (pass);

(iv) that he was after discharge from the Subordinate Civil Service appointed as a Lecturer in the Dacca Training College; and

(v) that he was promoted to the Bengal Educational Service after 2 years' service as a Lecturer in the College?

(b) (i) If the answers to (a) (iii) and (iv) are in the affirmative, will the Hon'ble Minister be pleased to state the names and qualifications of the candidates who were nominated by the Governing Body of the College for the post of lectureship?

(ii) If Maulvi Zulfiquar Ali's name was not recommended by the Governing Body of the College, will the Hon'ble Minister be pleased to state the grounds why in supersession of the claims of the more qualified candidates, Maulvi Zulfiquar Ali was appointed to the post to teach post-graduate students with higher academic qualifications?

(c) Is the Hon'ble Minister aware that there is a feeling of general discontent among the officers of the Education Department over promoting a B.A., B.T., with two years' experience to the Bengal Educational Service in supersession of the claims of senior officers, many of whom are Muslims with higher academic qualifications and much longer experience?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) (*i*), (*ii*) and (*iv*) Yes.

(*iii*) No: he had a second class honours degree in English in his B.A. examination (Calcutta) and a first class B.T. degree (Dacca).

(*v*) He was promoted to the Bengal Educational Service on an officiating basis after about 2 years and 9 months' service in the Subordinate Educational Service.

(*b*) (*i*) An extract from the proceedings of the meeting of the Governing Body is laid on the table.

(*ii*) This does not arise, inasmuch as he got the first choice by a majority of the votes of the members of the Governing Body and as his qualifications were superior to those of the other nominees of the Governing Body.

(*c*) I am not aware of the existence of any such feeling of discontent. His promotion is merely a temporary one. By such promotion he has not superseded the just claims of any teacher belonging to the staff of a Training College and possessing higher position and superior qualifications.

Copy of an extract referred to in the reply to clause (b) (i) of starred question No. 204, from the proceedings of a meeting of the Governing Body of the Teachers' Training College, Dacca, held on the 30th January, 1935.

"Three Moslem candidates are qualified so the Hindu candidates were not considered.

The seven members of the Governing Body present were asked to put these three candidates in order of preference. The result was as follows:—

		First choice.	Second.	Third.
Maulvi S. N. Q. Zulfiquar Ali	..	4	3	..
Maulvi Rabiul Hussain	..	3	4	..
Maulvi Shamsuddin Ahmed	..	..	..	7

Resolved that these three names be submitted to the Director in that order."

Sd. W. H. NELSON,

30-1-35.

Mr. HARENDRA KUMAR SUR: Will the Hon'ble Minister please state why the applications of Hindu candidates were not considered by the Governing Body of the Dacca Training College?

The Hon'ble Mr. A. K. FAZLUL HUQ: I do not see any harm, Sir, if a Muslim is appointed.

Hawkers in the streets of Calcutta.

***205. Dr. SURESH CHANDRA BANERJEE:** (*a*) Is the Hon'ble Minister in charge of the Home (Police) Department aware—

(*i*) that about fifteen to twenty thousand hawkers earn their livelihood by hawking in the streets of Calcutta;

(*ii*) that they take a licence from the Calcutta Corporation;

(*iii*) that on going out in the street for hawking, they are often arrested by constables in the streets;

(*iv*) that after arrest they are taken to the thana where they are long detained; and

(*v*) that thereafter they are often produced in the Court where the most summary form of trial takes place?

(*b*) If the answer to clause (*a*) is in the affirmative, are the Government considering the desirability of arranging that after arrest instead of taking them to the thana their licence number may only be taken down by the police and subsequently if necessary regular legal proceeding is drawn against them, giving them facilities for regular defence?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) The number of licensed hawkers is between seven to eight thousand. There is also a large number who escape licence.

(*ii*) As has been mentioned, a large number are licensed by the Calcutta Corporation.

(*iii*) Hawkers are arrested for obstructing the thoroughfare.

(*iv*) When taken to the thanas they are not unnecessarily detained.

(*v*) They are tried summarily according to law.

(*b*) No.

Dr. SURESH CHANDRA BANERJEE: মাননীয় মন্ত্রী মহাশয় জানেন কি যে গত দুই বৎসর যাবৎ কলিকাতার ফেরিওয়ালারা মাল কাঁধে লইয়া রাস্তায় বাহির হইলে পর ঘুষের লোভে পুলিশ তাহাদের গ্রেপ্তার করে, এবং ঘুষ না দিলে তাহাদের থানায় লইয়া যায়?

Mr. SPEAKER: That question does not arise.

Dr. SURESH CHANDRA BANERJEE: It arises, Sir, out of (*a*) (*iii*).

Mr. SPEAKER: Well, the Hon'ble Minister does not say that these hawkers are arrested because they ask for bribes. You have mentioned that hawkers are arrested in the streets for reasons given by you.

Dr. SURESH CHANDRA BANERJEE: মাননীয় মন্ত্রী মহোদয় জানেন কি—গত দুই বৎসর যাবৎ কলিকাতার ফেরিওয়ালারা এই মর্ম্মে আন্দোলন করিতেছে যে মাল কাঁধে লইয়া রাস্তায় বাহির হইলেই পুলিশ তাহাদের ধরিয়া থানায় লইয়া যায়?

The Hon'ble Khwaja Sir NAZIMUDDIN: The answer is an emphatic "no". They are only arrested when they obstruct the thoroughfare and not otherwise.

Mr. M. SHAMSUDDIN AHMED: The Hon'ble Minister has raised the question of obstruction of thoroughfare, but how can a single *feriwala* obstruct a thoroughfare, Sir?

Mr. SPEAKER: Do you mean to say that a single *feriwala* does not occupy any space upon the footpath?

Mr. M. SHAMSUDDIN AHMED: Quite so, Sir, but can he occupy any very big space?

Mr. SPEAKER: It is not a question of big space, but what is sufficient to obstruct the thoroughfare.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, I would request the honourable member to go round Calcutta and he will find a large number of pavements often obstructed by these hawkers, who spread their wares on the pavements where large numbers of people collect and thereby cause obstruction to pedestrians.

Mr. NIHARENDU DUTTA MAZUMDAR: For what purpose these hawkers are taken to the thana?

The Hon'ble Khwaja Sir NAZIMUDDIN: If these people are not taken to the thana then the condition of these pavements in Calcutta will be so bad that it will be impossible for the pedestrians to move about.

Mr. NIHARENDU DUTTA MAZUMDAR: My question was for what purpose these hawkers are taken to the thana? Are any legal proceedings taken against them for obstructing the passages?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Mr. NIHARENDU DUTTA MAZUMDAR: Is the purpose for taking them to thana to record their licence number and to order them to appear before the Courts?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes.

Mr. NIHARENDU DUTTA MAZUMDAR: Does not the Hon'ble Minister consider it enough to take the licence number of the hawkers and then let them go?

The Hon'ble Khwaja Sir NAZIMUDDIN: Well, so far as the licences are concerned, all the hawkers are not licensed.

Mr. NIHARENDU DUTTA MAZUMDAR: Then, in the case of licensed hawkers, does not the Hon'ble Minister consider it sufficient to take the licence number and not to interfere with their time and occupation?

The Hon'ble Khwaja Sir NAZIMUDDIN: This is one of the suggestions which I shall be prepared to look into, as it has been brought to my notice, and I think it will go a long way to remove the grievances about this matter.

Clerks in the Civil Courts in the Bakarganj district.

*206. **Mr. UPENDRANATH EDBAR:** Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state—

(*a*) the number of clerks at present in the Civil Courts in the district of Bakarganj;

(*b*) the number of them that are—

(*i*) Caste Hindus,

(*ii*) Scheduled Castes, and

(*iii*) Muhammadans;

(*c*) (*i*) the number of clerks in the Upper Division, and

(*ii*) the number of them that belong to Scheduled Castes; and

(*d*) (*i*) the number of clerks in the Upper Grade of the Upper Division, and

(*ii*) the number of them that belong to Scheduled Castes?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: (*a*) 162 (including 14 temporary clerks).

(*b*) (*i*) 100 (including 7 temporary clerks).

(*ii*) 12 (including 2 temporary clerks).

(*iii*) 50 (including 5 temporary clerks).

(*c*) (*i*) 21.

(*ii*) 2.

(*d*) (*i*) 8.

(*ii*) Nil.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state why even in these days the percentage of existing Mussalman employees in the civil courts is below 33?

Mr. SPEAKER: I am afraid here we are dealing only with statistics; there is no question of principle, here.

Mr. ABDUL WAHAB KHAN: Will the Hon'ble Minister be pleased to state what steps he has taken to remedy this unsatisfactory state of things, that is, the percentage of Mussalman employees being less than 33?

Mr. SPEAKER: That question does not arise.

Sale of 938 landed properties of debtors under Bengal Agricultural Debtors Act, 1935.

*207. **Maulvi JONAB ALI MAJUMDAR:** With reference to the answer to clause (*n*) of unstarred question No. 27, dated the 24th August, 1937, and the reply to question No. 28(*n*) laid on the table on the 29th July, 1938, will the Hon'ble Minister in charge of the Legislative and Judicial Department be pleased to state—

(*i*) what is the total amount demand for which all those 938 sales of the landed properties of debtors were held; and

(*ii*) how many acres of land are involved in all those cases of sales?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: Statistical registers are not maintained to show the information asked for; it would be necessary to compile it by separate examination of the records relating to the 938 cases and I regret I am unable to incur the expenditure of time and labour involved.

Harassment of the tenants of Chakran lands and Ghatwali tenures.

*208. **Mr. MIRZA ABDUL HAFIZ:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that the tenants-at-will and the tenants of—

(1) *chakran* lands, and

(2) *ghatwali* tenures

are ejected at the will of their landlords; and

(*ii*) that there is a feeling of agitation over the matter?

(*b*) Do the Government consider the desirability of bringing a further Bengal Tenancy (Amendment) Bill, 1938, to give better rights to such tenants so that they may not be ejected at the will of the landlords?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*)(*i*) Tenants-at-will are not tenants within the meaning of section 4 of the Bengal Tenancy Act and as such are governed by the Transfer of Property Act.

Chakran lands given by a landlord for private services are resumable when the services are not required or when the grantee refuses to perform them. When, however, the *chakran* is for public service the zemindar is not free to resume the grant.

The incidents of *ghatwali* tenures vary in different districts and different families. They are determined from the circumstances disclosed in the cases before the Court subject, however, to certain general well-established principles.

(*ii*) and (*b*) No.

Relief to the flood-affected areas in the Faridpur district.

*209. **Maulvi AHMED ALI MRIDHA:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether he is aware—

(*i*) that untimely excessive downpour has destroyed almost the entire crops of jute and paddy in the districts of Faridpur;

(*ii*) that too early a heavy flood has added enormously to the miseries of men and cattle;

(*iii*) that epidemic of beri-beri has broken out in many parts of the district, specially of Goalundo;

(*iv*) that the cultivators and labourers are without any employment;

(*v*) that men and cattle are in extreme distress;

(*vi*) that mishaps are imminent on account of starvation and suffering; and

(*vii*) that local relief is not a possibility?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether they have arranged measures for relief of the distress—

(1) by gratuitous relief, and

(2) by agricultural loan;

(*ii*) if so, what are the amounts sanctioned for each of the purposes mentioned in (*b*) (*i*);

(*iii*) whether any further amounts will be sanctioned in the near future; and

(*iv*) if so, how much for each count?

(*c*) Do the Government contemplate declaring the area a famine-stricken one?

(*d*) If the answer to (*c*) is in the affirmative, when and for what period?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*)(*i*) Parts of three thanas of the Goalundo subdivision, parts of four thanas of Gopalganj subdivision and a small area of the Bhusna police-station in the Sadar subdivision have been affected. The major portion of the standing crops has been destroyed.

(*ii*) Yes, in the flood-affected areas.

(*iii*) Epidemic dropsy has broken out in the towns of Rajbari and Faridpur and also in certain rural areas of the district. The disease is, however, generally of a mild type.

(*iv*) The landless labourers are without employment.

(*v*) Men and cattle are in distress in the flood-affected areas.

(*vi*) The local officers are taking every possible step towards the organisation of relief.

(*vii*) Government have no information. It depends on the charity of those who are in a position to help their less fortunate neighbours.

(*b*) (*i*) Yes.

(*ii*) (1) Agricultural loans Rs. 2,80,000, and (2) gratuitous relief Rs. 6,000.

(*iii*) and (*iv*) As circumstances demand.

(*c*) No.

(*d*) Does not arise.

Maulvi AHMED ALI MRIDHA: Is the Hon'ble Minister aware that since his reply all the four thanas of the Gopalganj subdivision have gone down under water and crops have been destroyed?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I have received information that the water has increased since then, but it is difficult to answer whether all the four thanas or only some of them have gone under water.

Mr. SURENDRA NATH BISWAS: With reference to the answer to question (*c*), will the Hon'ble Minister please state what are the reasons why Government do not contemplate declaring the district a famine-stricken one?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, there is no famine at present.

Posting of the officers of the Excise staff.

***210. Mr. FAZLUR RAHMAN:** (*a*) Will the Hon'ble Minister in charge of the Forest and Excise Department be pleased to state whether there is a rule or circular that no officer of the department should be more than three years at a station?

(*b*) How long are the Superintendent of the 24-Parganas, the Superintendent, Licensing Branch, Calcutta, and the Superintendent in charge of the Detection and Distillery Branches and the Excise Intelligence Bureau, Bengal, posted in their present stations?

(*c*) If the officers referred to in (*b*) are more than 3 years at their present stations, are the Government considering the desirability of transferring them immediately?

The Hon'ble Mr. PRASANNA DEB RAIKUT: (*a*) No.

(*b*) From the 7th December, 1933, 9th August, 1935, and 14th May, 1934, respectively.

(*c*) Transfers and postings are made in the exigencies of service and officers are not ordinarily allowed to stay in one place for more than 5 years.

The Watch and Ward officers of the Bengal Legislative Assembly Department.

*211. **Mr. SURENDRA NATH BISWAS:** (a) Will the Deputy Speaker of the Bengal Legislative Assembly Department be pleased to state—

(i) the rate of daily allowance paid to the retired police sergeants who were engaged as Watch and Ward in the Assembly House during the previous sessions of the Assembly and Council;

(ii) the total number of sergeants engaged; and

(iii) the total amount spent on their account?

(b) Is it a fact that, previous to the appointment of the said sergeants, the duty and work done by them used to be done by members of the Assembly and Council staff?

(c) If the answer to (b) is in the affirmative, was any extra daily allowance paid to those members of the staff?

(d) If so, what was the rate of such allowance?

(e) Is it the decision of the Government to engage similar Watch and Ward during the next session of the Assembly and Council also?

(f) If so, what are the reasons for such engagement?

(g) Is the Deputy Speaker considering the desirability of employing unemployed young men of this province for that purpose?

Mr. M. ASHRAFALI: (a) (i) Only during the last Budget session retired police officers were employed on daily rate of Rs. 3-8 each for Watch and Ward duties.

(ii) Eight.

(iii) Rupees 1,235-8.

(b) Yes.

(c) and (e) No.

(d) and (f) Do not arise.

(g) It has been decided to employ Watch and Ward officers permanently attached to this department and the desirability of employing unemployed young men will be considered.

Mr. SURENDRA NATH BISWAS: Will the Deputy Speaker be pleased to state whether it is a fact that the staff of this Legislative Assembly are doing the work of Watch and Ward in this session?

Mr. M. ASHRAFALI: Yes, to some extent.

Mr. SURENDRA NATH BISWAS: Will the Hon'ble Minister be pleased to state whether he is considering the desirability of paying the staff for this additional work?

Mr. M. ASHRAFALI: We can only recommend to Government for payment of an allowance. We cannot pay ourselves. I understand the Hon'ble Speaker is contemplating making a recommendation to that effect.

Mr. SYED JALALUDDIN HASHEMY: Will the Hon'ble Minister be pleased to state the number of applications he has received for the Watch and Ward appointments?

Mr. SPEAKER: That question does not arise.

The Permanent headquarters of the Noakhali district.

***212. Mr. HARENDRA KUMAR SUR:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether it is a fact that a Committee consisting of some officials and members of the Provincial Legislatures, residents of the Noakhali district, have been appointed to recommend a site for the location of the permanent headquarters of the district of Noakhali?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state when the Committee will sit for the purpose and the time by which the Committee will be required to submit their recommendations?

(*c*) Will the Hon'ble Minister be pleased to state the approximate time—

(*i*) when the Government will be in a position to make a final declaration as to the selection of site for the location of a permanent headquarters of the Noakhali district, and

(*ii*) when the headquarters will be shifted to the new site after the completion of all preliminaries including acquisition of lands and construction of buildings, etc., before the actual removal?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes, in resolution No. 16108Misc., dated the 11th August, 1938, published on page 1725 of Part I, of the *Calcutta Gazette* of 18th August, 1938. A copy of the resolution is laid on the Library table.

(b) These details will be settled shortly. Government are in communication with the Commissioner of the Chittagong Division, who has been appointed President of the Committee, in the matter.

(c) Government will lose no time in coming to a decision on receipt of the report of the Committee.

Appointment of guardian-ad-litems in Noakhali district during April, 1934, to March, 1938.

*213. **Maulvi MUHAMMAD IBRAHIM:** Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to lay on the table a statement showing for the period during April, 1934, to March, 1938—

(i) the number of cases in which guardian-ad-litems were appointed in each of the civil courts of the district of Noakhali;

(ii) the names of pleaders who received such appointments; and

(iii) the amount drawn by each of them?

The Hon'ble Nawab MUSHARUFF HOSSAIN, Khan Bahadur: A statement giving the required information for the period April 1st, 1937 to 31st March, 1938, covering fourteen pages, is laid on the Library table. The labour involved was considerable and to obtain the information for previous years in regard to cases many of which have been sent to the record room would, I think, involve labour out of all proportion to the value of the information and I regret therefore that I cannot supply the information.

Local Board election in the Burdwan district.

*214. **Mr. ADWAITA KUMAR MAJI:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(i) the cause of delay in Local Board election in the district of Burdwan;

(ii) the approximate date for the coming election of Local Boards; and

(iii) the time when the last election took place?

The Hon'ble Mr. H. S. SUHRAWARDY: (i) and (ii) No question of delay arises as the terms of the Local Boards will not expire till July, 1939, and the elections are in the normal course expected to be held in April or May, 1939.

(iii) 24th March, 1934.

Realisation of rents for breaches in the Ghatal Circuit Embankment.

*215. **Mr. HARENDRA NATH DOLUI:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether the Government are considering the desirability of discontinuing realisation of rents from the people who have been suffering seriously for years together for want of crops due to breaches in the Ghatal Circuit Embankment in the district of Midnapore?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: There are only three khasmahal holdings within the circuit embankment with which Government are concerned as landlords and as no such complaint has up till now been received from the tenants thereof, the question of discontinuing the realisation of rents from them does not arise. With regard to tenants of privately-settled estates the law does not provide for direct interference of Government in such matters nor are Government aware of any such demands from tenants.

Mr. HARENDRA NATH DOLUI: Will the Hon'ble Minister be pleased to consider the desirability of making an enquiry into the matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, Sir.

Managers and Assistant Managers of Court of Wards.

*216. **Mr. NISHITHA NATH KUNDU:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*i*) whether it is a fact that the Government announced in the *Calcutta Gazette* that some recruitments would be made in the Bengal Civil Service (Junior) from the Court of Wards' Managers and Assistant Managers; and

(*ii*) if so, how many of them have since been recruited; and

(*iii*) if not, why not?

(*b*) Whether it is a fact that several qualified young men who were specially trained for Court of Wards' Managership and Assistant Managership have been appointed as Circle Inspectors instead?

(*c*) Whether it is a fact that some ministerial officers, outsiders and Government pension-holders have been appointed as Managers and Assistant Managers in preference to the aforesaid trained young probationer Managers and senior and experienced Circle Inspectors in long service in the Court of Wards?

(*d*) Whether the Government are considering the desirability of giving preference to senior, efficient and specially trained persons in matter of appointments and promotion in the Court of Wards' services?

(*e*) Whether the Hon'ble Minister is aware that the Court of Wards' servants are not generally allowed leave with full pay?

(*f*) Are the Government considering the desirability of—

(*i*) introducing the system of granting leave with full pay to the Court of Wards' servants;

(*ii*) introducing provident fund system in all the Court of Wards' estates; and

(*iii*) absorbing the Court of Wards' servants in other departments when thrown out of employment due to the release of the Court of Wards' estates?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) By a Gazette notification in 1930 the service of Managers and Assistant Managers is included in the list of services from which promotion to the Bengal Junior Civil Service is to be made.

(*ii*) No such promotion has ever been made.

(*iii*) Because Government have since taken the view that Managers and Assistant Managers, not being Government servants, are not eligible for promotion to the Bengal Junior Civil Service.

(*b*) No. They were recruited for appointment as Circle Inspectors.

(*c*) There has been only one such appointment, but he was given full training as in the case of all probationers of the Court of Wards.

(*d*) Such preference is in fact given.

(*e*) Being temporary hands, their leave is regulated by Subsidiary Rule 275 of the Fundamental and Subsidiary Rules.

(*f*) (*i*) Does not arise.

(*ii*) The system is being gradually introduced where the finance of the estate permits.

(*iii*) Not being Government servants, they cannot be absorbed in posts in Government departments.

Mr. NISHITHA NATH KUNDU: In view of his answer (*a*) (*iii*), will the Hon'ble Minister kindly state if the notification referred to in his answer still stands or has since been cancelled and the list corrected by taking out the entries "Managers and Assistant Managers"?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The notification stands.

UNSTARRED QUESTIONS

(to which answers were laid on the table)

Barga system in Government Farms.

83. Dr. H. C. MUKHERJI: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state the total area cultivated under the *barga* or crop-sharing system in Government Farms and the whole area under crop in these farms in 1935-36, 1936-37 and 1937-38?

(*b*) What are the reasons for cultivation of areas of Government Farms under the *barga* system?

(*c*) What was the total income derived from the *barga* system of cultivation as operating in Government Farms during each of the years 1935-36, 1936-37 and 1937-38 and the average profit per *bigha* per year during this period?

(*d*) Have Government considered or are Government prepared to consider the desirability of utilising the land at present cultivated under the *barga* system in Government Farms in other and more useful ways?

(*e*) If not, why not?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: (*a*) There are some Khas Mahal Farms entirely under the *barga* system of cultivation. The total area cultivated in these farms was as follows in each of the three years in question:—

	Acres.
1935-36	148·53
1936-37	140·71
1937-38	149·95

(*b*) The main object of the farms is to produce improved seed economically for distribution among local cultivators. The farms also serve the purpose of practical demonstration centres, since the *bargadars* are required to follow departmental methods of cultivation.

(*c*) The Government's share of income from these farms was as follows:—

	Rs.	a.	p.
1935-36	5,943	4	6
1936-37	3,356	4	0
1937-38	4,885	11	0

The average profit per bigha per annum is Rs. 2-12-6.

(d) It has not been possible so far to convert these Khas Mahal Farms into proper Agricultural Farms owing to lack of trained staff. The matter is however receiving my attention now and, to begin with, I have a scheme in hand for establishing a Government Farm at Jessore in place of the small Khas Mahal Farm there.

(e) The question does not arise.

Dr. H. C. MUKHERJI: I merely want to point out to you, Sir, that the Hon'ble Minister has not answered my question. My question is about Government farms and he has given an answer about khas mahal farms. May I have the answer later on.

(No reply.)

Certificates issued by the Khas Mahal Department of Bakarganj.

84. Khan Sahib Maulvi HATEMALLY JAMADAR: (a) Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay a statement on the table showing, year by year, from 1920 to 1938—

(i) the number of certificates by the Khas Mahal Department of Bakarganj;

(ii) the number of auction sales through certificate procedure; and

(iii) the number of cases in which rents were deposited on auction days?

(b) Is it a fact that the number of certificate cases is increasing year by year?

(c) If the answer to (b) is in the affirmative, what is the reason for this increase?

(d) Have the Khas Mahal Department of Bakarganj so far reduced the rate of rents in any place?

(e) If the answer to (d) is in the negative, does the Hon'ble Minister contemplate reducing the rate of rents?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) (i) and (ii) A statement is laid on the table.

(iii) The information is not readily available.

(b) Yes.

(c) Partly economic depression resulting in low price of paddy and partly increasing unwillingness of tenants to pay rents voluntarily.

(d) Yes.

(*e*) The question of further reduction will be considered when the report of the Special Officer to enquire into the grievances of Khas Mahal tenants is received by Government.

Statement referred to in the reply to clause (a) (i) and (ii) of unstarred question No. 84.

Year.	(i) Number of certificates by the Khas Mahal Department of Bakarganj.	(ii) The number of auction sales through Certificate procedure.
1920-21	428	23
1921-22	827	53
1922-23	1,076	86
1923-24	1,037	144
1924-25	828	83
1925-26	793	24
1926-27	1,301	24
1927-28	1,392	43
1928-29	2,036	57
1929-30	3,403	71
1930-31	6,500	147
1931-32	6,810	297
1932-33	8,545	359
1933-34	9,644	493
1934-35	9,428	497
1935-36	17,394	3,326
1936 37	22,118	9,792
1937-38	17,900	7,473

Destruction of paddy crops in the subdivisions of Brahmanbaria and Chandpur.

85. Mr. DHIRENDRA NATH DATTA: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether he is aware—

(*i*) that the paddy crops over a large area in the police-stations Nasirnagar, Sarail, Brahmanbaria, Nabinagar, Bancharampur of the subdivision of Brahmanbaria and in the police-stations Daud Kandi and Homna in the Sadar subdivision and in the police-stations Chandpur and Matlab Bazar of the Chandpur subdivision have been destroyed by the abnormal rise of water and by the water-hyacinth;

(*ii*) that yield of jute per *bigha* throughout the whole of Tippera has been abnormally low;

(*iii*) that there has been total destruction of chillies and *tils* in the subdivision of Chandpur—two main crops of the subdivision;

(*iv*) that the acute distress has been caused by the destruction of crops and the low price of jute; and

(*v*) that the distress is greatly enhanced on account of the fact that there is no credit in the rural areas?

(*b*) If the answers to (*a*) are in the affirmative, do the Government contemplate giving relief to the distressed people?

(*c*) If so—

(*i*) what would be the amount; and

(*ii*) in what shape is the relief proposed to be given?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) There has been some damage to paddy crops in police-stations Nasirnagar, Daud Kandi, Homna and Matlab Bazar. No damage has been done in Chandpur police-station.

(*ii*) The yield is not expected to be low except in the thanas affected by floods.

(*iii*) Chillies and *tils* have been damaged in Chandpur subdivision to an extent which is estimated at 4 to 8 annas and 2 to 4 annas, respectively, in some parts.

(*iv*) The harvest time being much later in the year, there is no distress at present.

(*v*) Does not arise.

(*b*), (*c*) (*i*) and (*ii*) The matter will be considered when actual distress is felt.

Mr. DHIRENDRA NATH DATTA: Is the Hon'ble Minister aware that there is serious distress caused by flood in the district of Tippera?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I have got a report from the District Magistrate of Tippera and in fact I had a talk with him over the telephone this morning. The situation there is not at all serious.

Salami realised by leasing out the Khas Mahal char land.

86. **Khan Sahib Maulvi HATEMALLY JAMADAR:** (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*i*) the amount of *salami* realised by leasing out the Khas Mahal *char* land of Char Lathimara in Mauza Kalmegha under *tauzi* No. 4573 of the Collectorate of Bakarganj;

(*ii*) from what year and at which rate the rents were fixed; and

(*iii*) whether the said rents have been regularly realised?

(*b*) If the answer to (*a*) (*iii*) is in the negative, what is the cause of non-realisation?

(*c*) Is the Hon'ble Minister aware—

(*i*) that the said *char* land is under water and unfit for cultivation; and

(*ii*) that many of the cultivators who took lease of the said *char* land have left the place?

(*d*) If the answer to (*c*) is in the affirmative, who will be held responsible for this?

(*e*) Do the Government contemplate an enquiry into the matter and taking necessary steps?

(*f*) Are the Government considering the desirability of making a refund of the said *salami* to the cultivators by way of relief?

(*g*) Is the Hon'ble Minister aware of the difficulty on the part of the local cultivators to tend their cattle on account of the lease of the said *char* land?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) Rs. 8,830-8.

(*ii*) From 1935-36 onwards at Rs. 3-12 an acre.

(*iii*) No.

(*b*) Failure of crops.

(*c*) (*i*) The land is fit for cultivation but not to the fullest extent.

(*ii*) The *char* land tenants are almost all non-resident.

(*d*) Does not arise.

(*e*) Local officers have already taken necessary steps in the matter.

(*f*) As in spite of a request last year to surrender the land, the tenants have expressed a desire to hold the land in their respective tenancies, the question of refund of *salami* does not arise.

(g) There is an area of 100 acres of *char* lands to the south of the settled area where cattle can now graze.

Rivers within the Western Duars Khas Mahal Government Estate.

87. Babu KHAGENDRA NATH DAS GUPTA: (a) Is the Hon'ble Minister in charge of the Revenue Department aware—

(i) that all the rivers within the Western Duars Khas Mahal area are exclusively the property of the Government not leased out to any person or body corporate; and

(ii) that there is a general rate of royalty for collecting stone boulders from the beds of these rivers?

(b) If the answer to (a) is in the affirmative, what is the rate?

(c) That the Bengal-Duars Railway collect stones for their lines from these rivers?

(d) If the answer to (c) is in the affirmative, will the Hon'ble Minister be pleased to state—

(i) whether the Bengal-Duars Railway paid anything as royalty on this account for the last three years;

(ii) if so, what are the amounts; and

(iii) on what scale?

(e) Is the Hon'ble Minister aware that the European tea planters in the Western Duars generally collect stones from the rivers which flow through the gardens without paying any royalty to the Government?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a), (c) and (d) (i) Yes.

(b) Stone (quarried) per 1,000 c.ft.—Rs. 5 and sand or stone from river bed per 1,000 c.ft.—Rs. 2-8.

(d) (ii) and (iii) The following amounts were paid at Rs. 2-8 per 1,000 c.ft. :—

		Rs.	a.
1935-36	... ...	25	0
1936-37	... ...	455	0
1937-38	... ...	42	8

(e) No.

Operation of Bengal Alluvial Lands Act, 1920, in Faridpur.

88. **Mr. SURENDRA NATH BISWAS:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(*a*) when was the Bengal Alluvial Lands Act, 1920 (Act V of 1920), first actually brought into operation in the district of Faridpur; and

(*b*) the cases where the said Act has been applied in the said district since enforcement with the following particulars about each case—

(*i*) the date of attachment under section 3,

(*ii*) the time taken in survey under section 4 and the date of submission of the report and map by the surveyor,

(*iii*) the date of reference to the Civil Court under section 5,

(*iv*) the date of decision by the Civil Court,

(*v*) the dates of certificate by the Civil Court and delivery of possession by the Collector under section 6,

(*vi*) the area of the land involved and its value,

(*vii*) the costs incurred by the Collector under sections 3, 4, 4A (*i*),

(*viii*) the gross receipts of the land while under attachment, and

(*ix*) the nett receipts paid to the claimants and the dates of payments?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) In 1923-24.

(*b*) In all there have been 127 cases of attachment since the introduction of the Act into the district of which 72 cases have been disposed of and 55 are now pending in different stages for disposal.

The compilation of the detailed particulars will involve considerable labour and expense which having regard to the value of the information Government are not prepared to incur

Damage to standing crops due to flood in the Kurigram subdivision of Rangpur district.

89. **Kazi EMDADUL HAQUE:** Is the Hon'ble Minister in charge of the Revenue Department aware—

(*a*) that there has been incessant rains and an unusually high and early flood in the subdivision of Kurigram of the Rangpur district;

(b) the people and the cattle in the affected area have had to pass through critical times;

(c) that cent. per cent. damage has been done to the standing crops in the affected area; and

(d) that the tenants have been hard hit to pay to their landlords their rents and creditors their debts?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) Yes. The flood is early and high but not unusually high.

(b) Yes.

(c) No.

(d) It is possible that tenants will be hard hit later on to pay their rents.

Kazi EMDADUL HAQUE: With reference to answer (a), will the Hon'ble Minister be pleased to state whether there was any record of a higher flood level during the last 25 years; and if so, when?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

The qualification of nurses for hospitals attached to Calcutta Medical College.

90. Mr. RASIK LAL BISWAS: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state—

(a) who are the persons to select and appoint the nurses for the hospitals attached to the Calcutta Medical College;

(b) what qualifications are necessary for admission of (pupil) nurses in the Government hospitals; and

(c) do all the pupil nurses in the Calcutta Medical College Hospitals possess all the qualifications fixed by Government?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) The Calcutta Hospital Nurses Institution supply and control the nursing staff of the Medical College Hospitals. The Lady Superintendent of Nursing,

Medical College Hospitals, is authorised by the Institution to appoint probationers and nurses, subject to the approval of the Superintendent of the Medical College Hospitals.

(*b*) The minimum preliminary qualifications are as follows:—

(1) *For senior nursing certificate.*—The candidate should either have passed the Cambridge School Certificate Examination or read up to the VIII standard of High English School and should have attained the age of 19 years.

(2) *For junior nursing certificate.*—The candidate should have read up to the VI standard of Middle Vernacular or Middle English School and should have attained the age of 18 years.

Attention of the hon'ble member is drawn to regulations 14 and 25 of the Regulations under section 32 of the Bengal Nurses Act of which a copy is placed on the Library table.

(*c*) Yes.

Dr. SURESH CHANDRA BANERJEE: মাননীয় মন্ত্রী মহাশয় বোলবেন কি কলিকাতা Medical College Hospitalএর Nurseদের মধ্যে ক'জন ইউরোপীয়ান আর ক'জন ভারতবাসী ?

The Hon'ble Mr. H. S. SUHRAWARDY: I ask for notice.

Complaints by a patient against a nurse of the Calcutta Medical College Hospital.

91. Mr. RASIK LAL BISWAS: (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state if the Superintendent of the Medical College Hospital received any complaint, oral or written, from any patient of any of the Hospitals attached to the Calcutta Medical College against any nurse, staff nurse or sister for bad treatment, misbehaviour, negligence of duties, carelessness or wrongful omissions or commissions since the 1st April, 1937?

(*b*) If so, what steps were taken by the Superintendent in each of these cases and particularly with regard to complaints made by one Mr. Godfrey, one Mr. Sarker, one Mr. Biswas and one Professor Chakravarty, all patients of the European Male Wards of the Medical College Hospital?

(c) Were the matters complained of enquired into by any competent person to the knowledge of the complainants?

(d) Was any complainant ever asked to prove his case?

(e) Will the Hon'ble Minister be pleased to lay on the table a copy of each of the complaints referred to and enquiry report, if any, on those complaints along with the copies of the order of the Superintendent at the time of the final disposal of those matters?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) Yes, 9 written petitions of complaint were received. No record is kept of oral complaints received.

(b) and (e) Copies of the complaints received from the four gentlemen mentioned by the hon'ble member are placed in the Library. A statement is also laid on the table giving information as to the officers who held the enquiry, the result of the enquiry and the final order passed in each case.

(c) and (d) Yes, and in each case the complainant was asked to appear in order to assist in the enquiry.

Statement referred to in the reply to clauses (b) and (e) of unstarred question No. 91.

Name of complainant.	Officer who held the enquiry.	Result of enquiry.	Final order passed.
(1) Mr. Rasik Lal Biswas.	Resident Surgeon, Medical College Hospitals.	Complaint established.	The nurses were severely reprimanded.
(2) Ditto ..	Secretary, Medical College Hospitals.	Complaint not fully established.	The nurse was reprimanded and she has since left the hospital service.
(3) Mr. H. L. Sarkar	Dr. M. N. De, Professor of Clinical Medicine.	It was found that the nurses were under a misapprehension about the use of the bathroom at a particular time.	The patient left the hospital and the papers were filed.
(4) Mr. Godfrey ..	Point of complaint same as in (1) above. Coming to know of the action taken in (1) above the complainant withdrew his complaint and the papers were filed.		
(5) Mr. Hemanta Kumar Chakravarty.	Superintendent made enquiries from Nurse Simon and Sister Richardson.	Complaint was not substantiated.	The patient who had left the hospital was asked to be present at the enquiry but did not attend. The papers were filed.

Damages to standing crops by heavy rains in Lalbagh subdivision, Murshidabad.

92. Mr. SASANKA SEKHAR SANYAL: Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware—

(*a*) that owing to early and heavy rains this year, the prospects of *aus* paddy and jute have been imperilled in a considerable portion of Murshidabad district, particularly in the Sadar and Lalbagh subdivisions;

(*b*) that there are apprehensions of failure of crop and acute scarcity in the *Bagri* and *Kalantar* portions of the district;

(*c*) that in this time of economic distress attempts are being made for the imposition of fresh taxes under section 37(*b*) of the Village Self-Government Act, for the purpose of Union Board dispensaries against the wishes of and protest on the part of the ratepayers and the Boards;

(*d*) that the budgets of several Union Boards in the Sadar subdivision have been returned by the Circle Officer without approval, since the Board did not provide new taxes under section 37(*b*) of the Act, and that Union Boards are being coerced for new taxes;

(*e*) that a large number of petitions have been made before the Subdivisional Officer and the District Magistrate protesting against such new taxation;

(*f*) that the ratepayers of several Union Boards in the Berhampore town and Beldanga police-station have pointed out the absence of necessity for Union Board dispensaries, in the presence of the existing District Board and other dispensaries and the Sadar Hospital within the reach of normal communication, railway and otherwise; and

(*g*) that there is a strong general demand for releasing the Union Boards from the liability of meeting the salaries and equipment of *chaukidars* and *dafadars*, etc., and for spending the money so liberated for dispensaries and other works of rural welfare?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) and (*b*) Early rain and floods have caused partial damage to *aus* paddy and jute; but no acute distress is apprehended unless the rivers rise further.

(*c*) Certain Union Boards made slight enhancements in the rate of assessment under section 37(*b*) of the Village Self-Government Act

with the object of raising necessary funds for the establishment of Union Board dispensaries. Some ratepayers filed objections against the enhancements in the assessment.

(*d*) I understand that the budgets were returned in certain cases but the District Magistrate reports that there has been no coercion and that an assurance has been given that the poorer section among the ratepayers would be exempted from any enhancement. It has also been reported that in the case of the Kamnagar Union Board the Sadar Subdivisional Officer has kept the enhanced budget in abeyance in order to watch the progress of the flood and the distress, if any, caused by it.

(*e*) Six petitions were received by the District Magistrate and eight by the Sadar Subdivisional Officer.

(*f*) Petitions from certain ratepayers of Bhabta and Kamnagar Union Boards of the Beldanga thana and of the Bhakuri and Radharghat Union Boards in the Berhampore town thana were received by the Sadar Subdivisional Officer urging that their taxes might not be increased as they did not require the proposed Union Board charitable dispensaries.

I may state for the information of the hon'ble member that I am having an enquiry made into the whole matter by the Commissioner of the Presidency Division.

(*g*) I am aware that this opinion is held in certain quarters.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if in view of subsequent developments he is considering the desirability of revising his reply with reference to answers (*a*) and (*b*)?

The Hon'ble Mr. H. S. SUHRAWARDY: I do not mean to revise the reply to (*a*) and (*b*) in view of the answer (*f*). There is nothing new to revise the reply.

Dr. NALINAKSHA SANYAL: Does the Hon'ble Minister realise that the statement of fact, namely, early rain and floods have caused partial damage to *aus* paddy and jute; but no acute distress is apprehended unless the rivers rise further, no longer remains true because of high floods and complete damage to crops in that area?

The Hon'ble Mr. H. S. SUHRAWARDY: That may be so, but the answer was correct when it was drafted.

Guarding of railway lines by chaukidars and dafadars.

93. Dr. NALINAKSHA SANYAL: (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether it is a fact that village *chaukidars* and *dafadars* are often required to guard the route along which the trains of the Viceroy or the Governor pass in Bengal?

(*b*) Is the Hon'ble Minister aware—

(*i*) that these *chaukidars* and *dafadars* are requisitioned from a large number of villages;

(*ii*) that the villages remain without police help for a number of days; and

(*iii*) that a murder was committed in village Mihijam within the jurisdiction of police-station Salanpur in the district of Burdwan in the last week of June, 1938, when the local police was absent?

(*c*) Is it a fact that from time to time a number of these *chaukidars* have met with accidents and many have lost their lives while on such duty?

(*d*) What steps do Government propose to take in the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) When His Excellency the Viceroy or His Excellency the Governor travel they are required to guard the route.

(*b*) (*i*) and (*ii*) *Chaukidars* and *dafadars* are drawn from different Unions in accordance with the mobilisation statement prepared by the local authorities. If there is only one *chaukidar* in a village it may happen that that village is without a *chaukidar* for a day or two.

(*iii*) The murder was committed in village Amladahi within the jurisdiction of police-station Salanpur. When the murder took place the *chaukidar* was absent on private business and returned to the village that evening. Mihijam is in Behar.

(*c*) The question is so vague that a reply is not possible. To collect information for a number of years would entail such an expenditure of time, labour and money that Government regret that they are unable to undertake the work.

(*d*) None.

Dr. NALINAKSHA SANYAL: Will the Hon'ble Minister be pleased to state if it is a fact that this gentleman concerned under the police-station Salanpur in village Amladahi had actually reported to the police-station before he was murdered that there was an attempt going on to murder him and that he wanted police help?

The Hon'ble Khwaja Sir NAZIMUDDIN: I want notice, Sir. But I may draw the attention of the members of this House that this question refers to village Mihijam which is in Bihar.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that from the police-station Mihijam which happens to be in Bihar several villages are reached which are collectively termed as part of Mihijam, although a large number of them come under the district of Burdwan and that the village Amladahi in police-station Satgpur is one of them?

The Hon'ble Khwaja Sir NAZIMUDDIN: That may be so, but the fact remains that Mihijam is in Bihar.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that the place where the murder took place is within the jurisdiction of thana Salanpur which is in Bengal?

The Hon'ble Khwaja Sir NAZIMUDDIN: The honourable member is perfectly correct.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that before the murder took place, the gentleman concerned who was a big florist in India immediately sent a wire on that day at 7 o'clock in the morning, informing the thana man in charge that an attempt was being made to murder him that very day?

The Hon'ble Khawaja Sir NAZIMUDDIN: I am not aware.

Dr. NALINAKSHA SANYAL: Is it a fact that when this man was being assaulted at 8-30 a.m. near his home, his two wives and children ran from the place to another place of the locality and informed the people who went to the thana and begged for help?

The Hon'ble Khwaja Sir NAZIMUDDIN: I am not aware.

Dr. NALINAKSHA SANYAL: Is the Hon'ble Minister aware that the thana officer actually stated that there was only one man present and pleaded helplessness because all his staff had been taken away to guard the railway line?

The Hon'ble Khwaja Sir NAZIMUDDIN: It is quite possible, Sir.

Babu Bhagaban Chandra Biswas, a released Andaman political.

94. Mr. HARENDRA KUMAR SUR: (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether it is a fact that Babu Bhagaban Chandra Biswas, a released Andaman political prisoner, resident within the jurisdiction of Chhagalnaiya police-station, sent a complaint to the Inspector-General of Police and the Superintendent of Police, Noakhali, to the effect that he was forcibly taken from a house where he had been taking his meal to the Chhagalnaiya thana where the officer-in-charge and other officers ill-treated him and detained him for some hours?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether any enquiry was made into the allegations; and

(*ii*) if so, the steps taken in the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) A petition was submitted to the Deputy Inspector-General of Police, Bakarganj Range, and to the Superintendent of Police, Bakarganj, and not to the Inspector-General of Police.

(*b*) (*i*) Yes.

(*ii*) No action was taken as the allegations of ill-treatment were found to be incorrect.

Mr. HARENDRA KUMAR SUR: Will the Hon'ble Minister be pleased to state why the released political prisoner was taken from his house to the thana and detained there?

The Hon'ble Khwaja Sir NAZIMUDDIN: I think he should not have been taken there, and we have warned the officer concerned.

Inter-class passengers in steamers.

95. Maulana MD. MANIRUZZAMAN ISLAMABADI: (*a*) Is the Hon'ble Minister in charge of the Commerce and Labour Department aware—

(*i*) that there is no latrine and bathroom arrangement for the inter-class passengers of the steamers in the Chandpur-Goalundo, Narayanganj-Goalundo, Assam and Bihar lines upstairs; and

(*ii*) that they have to go downstairs and use the latrine meant for the third class passengers?

(b) Is the Hon'ble Minister considering the desirability of urging upon the steamer companies to remedy this at a very early date?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) There is no bathroom arrangement for the inter-class passengers but latrines for inter-class female passengers are provided on the upper decks of passenger steamers.

(b) I am writing to the steamer companies to consider the desirability of providing separate bathrooms for inter-class male and female passengers, at least on the mail steamers.

Dhakuria Station Road.

96. Mr. RASIK LAL BISWAS: (a) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state if the Dhakuria Station Road in the Dhakuria Ward of the Tollygunge Municipality is under the District Board of the 24-Parganas?

(b) Is it a fact that the said road is not properly repaired either by the Tollygunge Municipality or by the District Board of the 24-Parganas within the last 30 years?

(c) What body—Tollygunge Municipality or the District Board of the 24-Parganas—is responsible for the repair of the said road?

(d) Will the Hon'ble Minister be pleased to state the amount of money spent, year by year, for the last five years for the said road?

(e) Is he aware that large number of petitions signed by large number of residents of the locality complaining about the bad condition of the road were submitted to the Chairman of the Tollygunge Municipality and to the Chairman of the District Board, 24-Parganas?

(f) Will the Hon'ble Minister be pleased to lay on the table the copies of replies of the District Board as also of the Municipality to the complainants of Dhakuria about the bad condition of the road?

(g) What the Government intend to do to remove the grievances of the Dhakuria people about the said road?

(h) Is it a fact that the Tollygunge Municipality is trying to take over the charge of the said road from the District Board of 24-Parganas, but that the District Board is unwilling to hand over the road to the Municipality?

(i) Will the Hon'ble Minister be pleased to lay on the table the copies of correspondence between the District Board of 24-Parganas and the Tollygunge Municipality regarding the transfer of the said road?

(j) Is he aware that the said road is important to the people of the locality as it connects the other important tar-macadam roads?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) and (c) It was originally a municipal road but was subsequently taken over by the District Board by a mutual arrangement under which the District Board took upon itself the duty of maintaining it with the assistance of a contribution from the Municipality.

(b) and (d) Urgent repairs have been annually executed by the District Board. A statement showing the amounts spent annually by the Board on this account since 1933-34 onward is placed on the table. The contribution payable by the Tollygunge Municipality under the arrangement referred to in answer to (a) and (c) has not been paid since 1929-30.

(e) and (f) Three representations were received by the Chairman of the Tollygunge Municipality but none by the 24-Parganas District Board. The copies of the replies given by the former are laid on the Library table.

(g) This matter relates primarily to the internal administration of the local bodies concerned. The question whether Government should take any action with regard to the matter is, however, under consideration.

(h) and (i) The Tollygunge Municipality proposes to take over the administrative control of the road. It is not a fact that the District Board, 24-Parganas, has objected to this proposal. No correspondence has passed between the Municipality and the District Board.

(j) The road is reported to be an important thoroughfare.

Statement referred to in the reply to clause (d) of starred question No. 96.

	Rs.
1933-34	50
1934-35	45
1935-36	173
1936-37	173
1937-38	146

Appointment of Anglo-Indians in Bengal Civil Service (Executive).

97. Miss P. B. BELL-HART: (a) Will the Hon'ble Minister in charge of the Home (Appointment) Department be pleased to state—

(i) the number of Anglo-Indians who have been successful in the last three years in entering the Bengal Civil Service (Executive); and

(ii) the principle on which these members were declared successful and given appointments?

(b) Do the Government propose reserving a certain percentage of appointments for the Anglo-Indians?

(c) Is the Hon'ble Minister considering the desirability of adopting a policy of giving a larger number of appointments to the Anglo-Indians to make up for their non-appointment in the previous years?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) (i) None have entered the Bengal Civil Service (Executive). One has entered the Bengal Junior Civil Service (Executive).

(ii) If no member of minority communities are successful by open competition, nominations may be made under the Recruitment Rules to which attention is invited.

(b) and (c) The question of reserving percentage of appointments for backward and minority communities is under consideration of Government.

Transfer of Cazaria Block of villages in Tippera.

98. Maulvi MD. ABDUL HAKIM VIKRAMPURI: (a) With reference to the reply to starred question No. 141, dated the 13th September, 1937, will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether the transfer of Gazaria Block of villages in Tippera has been given effect to?

(b) If the answer to clause (a) is in the negative will the Hon'ble Minister be pleased to state—

(i) how far has the question of transfer advanced; and

(ii) how soon will it materialise?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) No.

(b) (i) The transfer is pending for the construction of an outpost for the staff to be located there.

(ii) During the coming cold weather.

Union Board nominations in Kishoreganj subdivision, Mymensingh.

99. Mr. MONMOHAN DAS: (a) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether it is a fact—

(i) that during the last Union Boards' nominations the Circle Officer, Kishoreganj, district Mymensingh, asked the local "M.L.A." (Scheduled Castes) to be nominated from the

different Unions and the M.L.A. suggested and recommended members from the Unions No. 3 Karimganj, No. 2 Guzadia, No. 6 Ghundhar under Karimganj police-station and No. 1 Barbhag Latibabad, No. 2 Maikhapan, No. 3 Jasodal, No. 4 Bimati, No. 6 Karshakariail under Kishoreganj police-station; but

(*ii*) that none of the members suggested have been nominated?

(*b*) If the answer to question (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons for not nominating the persons suggested?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) (*i*) No.

(*a*) (*ii*) and (*b*) Do not arise.

Ill-treatment by Intelligence Branch officers towards Congress workers of Naria in Faridpur.

100. Dr. SURESH CHANDRA BANERJEE: (*a*) Is the Hon'ble Minister in charge of the Home (Political) Department aware that a few days back Syder Rahaman, an Intelligence Branch officer posted at the police-station Naria (district Faridpur), called a few young men of the village to his office and threatened them saying that in case they shouted *Bande Mataram* again they would be punished like the young men of Lonesing (neighbouring village of Naria)?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the officer has acted up to the instructions issued upon him?

(*c*) If the officer has exceeded his powers, what step the Government propose taking in the matter?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) No such incident is stated to have occurred.

(*b*) and (*c*) Do not arise.

Dr. SURESH CHANDRA BANERJEE: With reference to question (*a*) মাননীয় মন্ত্রী মহাশয় বলিবেন কি—এরূপ কোন ঘটনা যে ঘটে নাই এ সংবাদ তিনি পাইয়াছেন কোথা হইতে? যে দারোগার বিরুদ্ধে complain করা হয়েছে তার কাছ হইতে? কিম্বা নরিয়া থানা হইতে?

The Hon'ble Khwaja Sir NAZIMUDDIN: From the District Magistrate.

Hardship of the agriculturists due to the operation of the Agricultural Debtors Act.

101. Rai HARENDRA NATH CHAUDHURI: (*a*) Is the Hon'ble Minister in charge of the Co-operative Credit and Rural Indebtedness Department aware that in places where Debt Boards have been set up the cultivators are unable to secure fresh loan in money or in kind and are meeting with great difficulty in carrying on cultivation and maintaining themselves and their families?

(*b*) If the answer to (*a*) is in the affirmative, how do the Government propose immediately to cope with this breakdown condition in the system of rural credit and help the cultivators in their present financial embarrassment?

The Hon'ble Mr. MUKUNDA BEHARY MULLICK: (*a*) The hon'ble member is referred to the reply to caluse (*c*) of starred question No. 50 given at the current session of the Assembly.

(*b*) Does not arise.

Clerks of Muhammadan Marriage Registrars' offices.

102. Maulvi MD. ABDUL HAKIM VIKRAMPURI: (*a*) Is the Hon'ble Minister in charge of the Education (Registration) Department aware—

(*i*) of the condition of the clerks of the Muhammadan Marriage Registrars' offices in respect of the security of the services; and

(*ii*) that the clerks are appointed and dismissed by the Muhammadan Marriage Registrars?

(*b*) If the answers to (*a*) are in the affirmative, do the Government consider the desirability of making provision for approval of the appointment and dismissal of such clerks by the District Registrars?

The Hon'ble Mr. A. K. FAZLUL HUQ: (*a*) Yes.

(*b*) Government have no concern with these men and cannot interfere with the terms and conditions under which they are appointed by the Muhammadan Registrars themselves.

Wakf estates of Bengal.

103. Mr. MIRZA ABDUL HAFIZ: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay a statement on the table showing—

(*i*) the number of *wakf* estates with the annual income of over Rs. 500 in—

(1) the district of Mymensingh,

(2) the district of Burdwan,

(3) the district of Dacca,

(4) the rest of the districts of West Bengal, and

(5) the rest of the districts of East Bengal; and

(*ii*) the number of officers in the ministerial staff and others from those districts and others separately as mentioned in (*a*) (*i*)?

(*b*) How many of the *wakf* estates of those places are managed by non-Muslim Naibs and Managers?

(*c*) Is it a fact that the following *wakf* estates are managed by non-Muslim (*i*) Managers, (*ii*) Naibs, etc., namely—

(1) Karatia Chhota Taraf Wakf Estate,

(2) Delduar Wakf Estates,

(3) Pakulla Wakf Estate, and

(4) Pakulla Lalmiah's Wakf Estate?

The Hon'ble Mr. A K. FAZLUL HUQ: By the courtesy of the Commissioner of Wakfs, I am able to reply as follows.

(*a*) A statement is laid on the table of the House.

(*b*) and (*c*) I have no information.

Statement referred to in the reply to clause (a) of unstarred question No. 103

District.	Number of *wakf* estates with an annual income of over Rs. 500.	Number of assistants, inspectors and auditors in the establishment of the Board.
(1) Mymensingh	68	2
(2) Burdwan	45	5
(3) Dacca	96	2
(4) Rest of the districts in West Bengal ..	443	18
(5) Rest of the districts in East Bengal ..	667	12

Khan Bahadur MOHAMMED ALI: Will the Hon'ble Minister be pleased to state if the Wakf Estates mentioned in (c) are family Wakfs?

The Hon'ble Mr. A. K. FAZLUL HUQ: I have no information.

Number of Civil Court commissioners thrown out of employment.

104. Maharaja BHASHI KANTA ACHARYYA CHOUDHURY: Will the Hon'ble Minister in charge of the Judicial and Legislative Department be pleased to state how many Civil Court commissioners have been thrown out of employment owing to the issue by the Hon'ble High Court of Calcutta of Rules and Circular Orders (rules 312-323 of Civil Rules and Orders, Volume I, 1935), restricting the issue of commissions for local investigation to pleader-commissioners only to the exclusion of the Civil Court commissioners?

The Hon'ble Nawab MUSHARRUFF HOSSAIN, Khan Bahadur: One hundred and fifty-nine.

Officers taking illegal gratifications during 1936 and 1937.

105. Maulvi ABU HOSAIN SARKER: Will the Hon'ble Minister in charge of the Finance Department be pleased to state—

(*a*) the names with designations of all such officers in Bengal as were detected making extortions or taking illegal gratifications during the two years 1936 and 1937; and

(*b*) the names with designations of those found guilty of such crimes by a commission of enquiry or otherwise during the said two years?

The Hon'ble Mr. NALINI RANJAN SARKER: With reference to unstarred question No. 20 of the 2nd August, 1938, to which an *ad interim* reply was given, a complete reply is laid on the table.

A statement is laid on the Library table.

Employees in Khas Mahal and other estates under Court of Wards in Bakarganj.

106. Mr. ABDUL WAHAB KHAN: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement showing—

(*i*) the present total number of employees excluding the menials and peons and of them the total number of Musalmans, Scheduled Caste and caste Hindus in the Khas Mahal and in

the following estates under the management of the Court of Wards, in the district of Bakarganj:—

(1) Mainland Group of Estates,

(2) Charamaddi Estate,

(3) Brown Estate, and

(4) Dakshin Shahabazpur Estate; and

(ii) the number of vacancies filled up during the last 5 years and the number of Musalmans taken in to fill up those vacancies?

(b) Is the Hon'ble Minister considering the desirability of supplying the local M.L.A.'s of each district at the end of each year with a statement showing the number of vacancies that occurred in the Khas Mahal and in the estates under the management of the Court of Wards and the number of Musalmans and Scheduled Caste men taken in those vacancies in the respective districts of the members of this House, as in the case of Collectorate appointments?

(c) Will the Hon'ble Minister be pleased to state the total number of pleaders engaged by all the Court of Wards estates in the district of Bakarganj and of them the number of Musalman pleaders?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) and (c) A statement is laid on the Library table.

(b) A complete census of Government employees will be placed in the Library twice a year for the information of all M.L.A.'s interested in such statistics.

Internee Srijut Priyaranjan Das Gupta.

107. SJ. NARENDRA NATH DAS GUPTA: Will the Hon'ble Minister in charge of the Home Department be pleased to state—

(i) Is it a fact that Sj. Priyaranjan Das Gupta, now interned at the Shampur police-station, district Howrah, has been suffering from intestine troubles and piles for a long time?

(ii) Is it a fact that he was taken to the Howrah Hospital for treatment and kept in the European Ward on the 24th June and discharged on the 26th?

(iii) Is it a fact that he complained about his being supplied with diet after the Europeans have finished their meals, and being supplied with European diet?

(iv) Is it a fact that his discharge from the European Ward followed soon after his complaint referred to in (iii)?

(*v*) Will the Minister be pleased to state the reasons for so sudden a discharge?

(*vi*) Is it a fact that he was told by the Civil Surgeon that he was being taken to the Medical College Hospital?

(*vii*) Is it a fact that he was actually taken to his place of detention?

(*viii*) Is it a fact that Sj. Das Gupta is living in a house in delapitated condition with the latrine needing repairs?

(*ix*) Is it a fact (*a*) that articles are very dear at Shampur; and (*b*) that the allowance granted to him is inadequate to meet his expense especially because he is now the only one person detained at the place?

The Hon'ble Khwaja Sir NAZIMUDDIN: I have received no complaint in the sense suggested by the hon'ble member and as orders for the unconditional release of this individual have already issued, I do not think he would wish me to institute enquiries.

Complaint against the Manager of the Khanjanpur Khas Mahal Estate in the Bogra district.

108. Khan Bahadur MOHAMMAD ALI: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to state whether he has received any petition from the tenants of the Khanjanpur Khas Mahal Estate in the district of Bogra complaining against the Manager of the Estate?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) whether he is considering the desirability of laying a copy of the petition on the table; and

(*ii*) what action, if any, has been taken in the matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*) (*i*) A copy of the petition in Bengali is placed on the Library table.

(*ii*) A number of leases settling *khas* tanks and lands have been cancelled.

Mr. SPEAKER: I will first take unstarred question for to-day and then the starred.

Khan Bahadur MOHAMMED ALI: Is the Hon'ble Minister aware that there is a strong public feeling that the Manager should be transferred?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir.

Clerks in the Burdwan Collectorate.

109. Mr. ADWAITA KUMAR MAJI: (*a*) Will the Hon'ble Minister in charge of the Revenue Department be pleased to lay on the table a statement showing—

(*i*) the number of clerks existing at present in the Burdwan Collectorate; and

(*ii*) the number of them that are—

(1) Caste Hindus,

(2) Scheduled Castes, and

(3) Muhammadans?

(*b*) Is it a fact that enlisted Scheduled Caste people have not yet been appointed to reach the percentage?

(*c*) Is it a fact—

(*i*) that local Scheduled Caste persons are not getting the appointment; and

(*ii*) that clerks are recruited from outside the district?

(*d*) Is the Hon'ble Minister aware that qualified Scheduled Caste candidates are available in the district?

(*e*) What is the minimum qualification for appointment to the ministerial posts in the District Collectorate?

The Hon'ble Sir BIJOY PRASAD SINGH ROY:

		Permanent.	Temporary.
(*a*) (*i*)	... ...	138	38
(*ii*) (1)	... ...	95	27
(2)	... ...	6	3
(3)	... ...	37	8
	Total ...	138	38

(b) No. They have all been provided—one in the collectorate and two in the Damodar canal office.

(c) No. Local Schedule Caste candidates are preferred to similar candidates from outside and appointed when available.

(d) Yes, but to a very limited extent.

(e) Attention is invited to rule 63, Board's Miscellaneous Rules.

Fines realised from coolies, methars and nurses of the Calcutta Medical College Hospitals.

110. Mr. RASIK LAL BISWAS: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to lay on the table a statement showing from the 1st January, 1938, to May, 1938—

(a) the amount of fine, if any, realised from the coolies, *methars* and nurses attached to the Hospitals of the Calcutta Medical College;

(b) the amount of such fine credited to Government;

(c) the reports received and charges framed against such employees;

(d) the steps taken by the authorities on the reports; and

(e) the statements, if any, submitted by those employees to explain their conduct?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) A sum of Rs. 32-5 was realised as fines from the coolies and methars. No fines are imposed on the nurses.

(b) The entire sum was credited to Government.

(c) to (e) Government consider that the time and labour involved in collecting the information will not be commensurate with the result.

Anglo-Indians in the post of Civil Surgeons, Assistant Surgeons and Sub-Assistant Surgeons.

111. Miss P. B. BELL-HART: Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state the number of Anglo-Indians employed in the posts referred to in the reply to starred question No. 431 (a) (i), (ii) and (iii) answered on the 8th April, 1938?

The Hon'ble Mr. H. S. SUHRAWARDY: No Anglo-Indians are included in these posts, as there have been no Anglo-Indian candidates with the necessary qualifications.

Anglo-Indians are employed in the cadre of Military Assistant Surgeon in civil employ. Of 11 Military Assistant Surgeons, 6 are Anglo-Indians including one Civil Surgeon.

Hardship on the issue of certificates in Serajganj subdivision.

112. Mr. ABDULLA-AL MAHMOOD: (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that acute distress prevails in the Serajganj subdivision due to recent flood;

(*ii*) that hardships have also been caused to the people by the issue and execution of certificates there; and

(*iii*) that Government are arranging to help the people of the place by way of relief?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of taking steps for the stay of the certificate procedure immediately?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) There is distress in the subdivision due to floods and excessive rains.

(*ii*) No. Certificates have been executed in very few cases.

(*iii*) Yes.

(*b*) The Collector has already issued necessary orders for the stay of those cases.

Mr. SPEAKER: Starred Questions.

STARRED QUESTIONS

(to which oral answers were given)

Indian refugees from Burma.

***217. Khan Bahadur Maulvi FAZLUL QUADIR:** (*a*) Is the Hon'ble Minister in charge of the Home (Political) Department aware that a number of Indian refugees, both Hindus and Muslims, have returned in great distress from Burma under very painful circumstances?

(b) If the answer to (a) is in the affirmative, will the Government please state—

(i) what is their number;

(ii) how many of them belong to Bengal;

(iii) what steps, if any, have been taken to relieve the distress; and

(iv) whether any representation has been made to the Government of Burma to protect the lives of the Indians in Burma?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) A number of Indian refugees have arrived in Calcutta and Chittagong from Burma.

(b) (i) About 330.

(ii) Information is not yet available.

(iii) They are being cared for by local Relief Committees, and railway passes are being issued when necessary at the expense of the Provincial Governments concerned.

(iv) The concern of this Government regarding the safety of its citizens in Burma has been represented to the Central Government who have been asked to make representations to the Government of Burma regarding the safety of Bengalis in Burma.

Rate of rent in the Khas Mahal Mauza No. 204 Nowsera-Sultanpur in Rajshahi district.

*218. **Mr. SATYAPRIYA BANERJEE:** Will the Hon'ble Minister in charge of the Revenue Department be pleased to state—

(a) the periodical rates of rent in the Khas Mahal Mauza No. 204 Nowsera-Sultanpur Tauzi Nos. 1658, 2410, 2411 and 2412 before 1912 (Pargana Lashkarpur, police-station Lallpur, Rajshahi);

(b) the rate of rent in the aforesaid Khas Mahal in 1912;

(c) the rate of rent assessed in the above Khas Mahal in 1938; and

(d) the reasons for enhancement, if any?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (a) to (c) A statement showing the rates is laid on the Library table.

(d) Does not arise.

Rural Development Work in the Jhenida subdivision.

*219. **Khan Bahadur Maulana AHMAD ALI ENAYETPURI:** (a) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether any work has been done in the Jhenida subdivision of the Jessore district in the last two years in the shape of rural development, namely, *khal* and jungle cutting, establishment of adult night schools, etc.?

(b) If so, what are the number of such works and places of the subdivision where those works have been carried out?

The Hon'ble Nawab Khwaja HABIBULLAH Bahadur, of Dacca: A statement furnishing the information is laid on the Library table.

Grant for Rural water-supply in Pabna.

*220. **Babu NARENDRA NARAYAN CHAKRAVARTTI:** Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to lay on the table a statement showing for the last 5 years—

(a) the amount of grant under the "Rural water-supply" from Provincial revenues to the district of Pabna; and

(b) the principle followed by the Government in distributing the above grant to the district of Pabna?

The Hon'ble Mr. H. S. SUHRAWARDY: (a) A statement is laid on the table.

(b) The grant available for the whole Province was distributed on the basis of the expenditure on water-supply by District Boards during the year 1928-29 in each Division, regard being had also to the special needs of each Division. The same principle was followed by the Commissioner in distributing the grant to the district of Pabna according to the schemes submitted by the District Magistrate.

Statement referred to in the reply to (a) of starred question No. 220.

Year.	Amount of grant.
	Rs.
1933-34	5,995
1934-35	6,000
1935-36	5,500
1936-37	6,000
1937-38	7,000

Building for infectious cases in Suri Sadar Hospital in the Birbhum district.

*221. **Dr. SHARAT CHANDRA MUKHERJI:** (*a*) Is the Hon'ble Minister in charge of the Public Health and Local Self-Government Department aware—

(*i*) that there is a separate building for accommodating infectious cases in the Suri Sadar Hospital in the district of Birbhum;

(*ii*) that this building was built long ago with contributions from private individuals and from local bodies;

(*iii*) that this building is not being used at present for the purpose for which it was intended;

(*iv*) that this building was occupied by the local Lady Dufferin Zenana Hospital for about a year under orders and management of the local authorities;

(*v*) that the said Zenana Hospital had to be shifted back to its own building when the Surgeon-General of Civil Hospitals objected to it;

(*vi*) that the building erected for infectious cases has now been occupied by the Bacteriological Laboratory under the management of a local committee;

(*vii*) that infectious cases seeking admission are generally refused and in solitary cases only some are admitted and accommodated in a rejected building; and

(*viii*) that the last mentioned is situated in close vicinity of the local inhabitants and a public road?

(*b*) If the answer to (*a*) (*viii*) is in the affirmative, are the Government considering the desirability of taking steps in the matter?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) (*i*) Yes; known as the "Blackwood Infectious Diseases Ward".

(*ii*) This building was constructed in 1923 with grants from His Excellency the Governor of Bengal and the Commissioner of Burdwan Division as well as contributions from private sources.

(*iii*) and (*vi*) A part of the building is still being used for the purpose of housing infectious cases for which it was intended and the remaining part of the building has been temporarily lent to the Laboratory Committee for accommodating Public Health and Clinical Laboratories.

(*iv*), (*v*) and (*viii*) Yes.

(*vii*) No. Infectious cases requiring admission are being treated in the Blackwood Ward as also in the old Infectious Ward.

(*b*) The local authorities have undertaken a scheme for the improvement of the Hospital and have applied for a grant from Government. Under this scheme the Laboratory will be shifted to a new building and the Blackwood Infectious Diseases Ward will then be utilised wholly for accommodating infectious cases. The application for Government grant is under my consideration.

Establishment of a Model Health Unit at Singur, Hooghly.

***222. Mr. ANUKUL CHANDRA DAS:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether it is a fact that a Model Health Unit is going to be established at Singur, district Hooghly, out of the funds of the Rockefeller Foundation of the United States of America?

(*b*) (*i*) If so, how far is Singur from Calcutta; and (*ii*) what are the means of communication to the place?

(*c*) Is it a fact that the representatives of the Rockefeller Foundation selected the village Sonarpur, 24-Parganas, for the above Model Health Unit?

(*d*) Is it also a fact—

(*i*) that the Government had accepted Sonarpur before and written to the District Board of 24-Parganas on the subject; and

(*ii*) that the latter agreed to all the conditions of the Government for the Model Health Unit?

(*e*) If the answers to (*c*) and (*d*) are in the affirmative, will the Hon'ble Minister be pleased to state—

(*i*) why do the Government abandon Sonarpur; and

(*ii*) whether the Government consulted the representatives of the Rockefeller Foundation over this change of site?

(*f*) Is it a fact that the Government estimated a saving of a recurring expense of Rs. 2,000 per year through the—

(*i*) establishment of the Model Health Unit at Sonarpur; and

(*ii*) abolition of the thana health unit there?

(*g*) Is the Hon'ble Minister reconsidering the whole matter with a view to selecting Sonarpur village for the Model Health Unit?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) Yes.

(*b*) (*i*) 21 miles.

(*ii*) Railway and regular bus service along a good motorable road.

(*c*) Sonarpur was at first suggested by the Director of Public Health with the approval of the representative of the Rockefeller Foundation.

(*d*) No. The Director of Public Health had however correspondence with the District Board of 24-Parganas.

(*e*) (*i*) Does not arise.

(*ii*) The Rockefeller Foundation was consulted about selection of Singur and approved of the site.

(*f*) and (*g*) No.

Mr. ANUKUL CHANDRA DAS: Will the Hon'ble Minister be pleased to state why the Health Unit was abandoned?

The Hon'ble Mr. H. S. SUHRAWARDY: The Health Unit has not been abandoned.

Recruitment of Sub-Assistant Surgeons from the Scheduled Castes.

*223. **Mr. DHANANJOY ROY:** (*a*) Will the Hon'ble Minister in charge of the Public Health and Local Self-Government Department be pleased to state whether there is any direction from the Government to recruit candidates from the Scheduled Castes in the cadre of Sub-Assistant Surgeon?

(*b*) If the answer to (*a*) is in the affirmative, what is that direction?

(*c*) If there is no direction, what are the reasons?

The Hon'ble Mr. H. S. SUHRAWARDY: (*a*) and (*b*) There are standing instructions to the effect that the claims of candidates of the Scheduled Castes should be favourably considered with a view to securing representation of members of such castes in the service.

(*c*) Does not arise.

Scheme for resuscitation of river Ghandana, etc.

*224. **Maulvi AHMED ALI MRIDHA:** (*a*) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware—

(*i*) that in the subdivision of Goalundo barring a few villages almost the entire crops of jute and paddy have been destroyed by the downpour in May and June last;

(*ii*) that men and cattle are in extreme of distress;

(*iii*) that health and economic prosperity are things of the past with the subdivision;

(*iv*) that deterioration of natural drainage is mainly responsible for such calamities;

(*v*) that the schemes for resuscitation of the rivers Chandana, Chatra, Mara Padma, Kabilpur Mashalia Khal and others are hanging fire for a number of years; and

(*vi*) that hundreds of villages by the side of these rivers and channels are either depopulated or are on the verge of depopulation?

(*b*) Will the Government be pleased to state whether they have in contemplation the working out of those schemes?

(*c*) If so, when such schemes are going to be worked out?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: (*a*) (*i*) Due to unusual and untimely heavy rainfall in the last week of May 1938, the monsoon crops have suffered in low areas.

(*ii*) Naturally there has been some distress among the inhabitants of the area.

(*iii*) There has been some economic distress due to loss of crops, but there is no information that health has suffered.

(*iv*) The presumption is not quite correct. In Bengal monsoon generally breaks by the middle of June or later, when *aus* and jute plants grow sufficiently high to stand moderate flooding. In this year heavy showers came down about 2 weeks too early. Hence, the standing crops were very young at that time and naturally suffered to an unusual extent. As regards drainage, though there is congestion in some local low areas, the general drainage condition of the khals and rivers is not unsatisfactory.

(*v*) A scheme for resuscitating the Chandana river is under investigation. There are no other schemes in hand regarding the other khals and rivers mentioned in the question, except the drainage of the Gazana and other *bils* by silt clearing the Brigi and Chatra khals. The work has already been done and Government have contributed two-thirds share of its cost in 1937-38.

(*vi*) I have no information.

(*b*) and (*c*) It has yet to be seen whether the Chandana resuscitation scheme will be technically feasible or not. If feasible, Government will consider the question of taking it up if and when funds are available.

*Maulvi AHMED ALI MRIDHA: With regard to answer (b), will the Hon'ble Minister be pleased to state whether any progress has been made regarding investigation, and, if so, how much?

The Hon'ble Maharaja SRIS CHANDRA NANDY of Cossimbazar: Sir, I have already stated, we are considering the question and nothing definite has come out of it.

Silting up of river Nabaganga from Naldi to Lohagara in the Jessore district.

*225. Mr. ATUL KRISHNA GHOSE: (a) Is the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department aware—

(i) that an area of about 10 miles of the river Nabaganga from Naldi to Lohagara in the district of Jessore is being silted up more and more;

(ii) that a further area of about 25 miles from Lohagara to Bardia is in danger of being similarly affected to the great disaster of the district for want of proper steps towards prevention of further deterioration;

(iii) that jute concerns like Messrs. S. M. David ; Co., Birkmyre Bros., and many others have left those centres for want of river communications since the river is being silted up for the last 12 years or so; and

(iv) that there is no road whatsoever from Naldi to Lohagara?

(b) If the answer to (a) is in the affirmative, is the Hon'ble Minister considering the desirability of making an enquiry into the state of affairs in that area with a view to removing this long felt grievance of the people of that area?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: (a) (i) Yes, there are however only three localised shoals at Naldi, Raigram and Shahabajpur where the dry weather depth is between 4′ and 4½′.

(ii) The portion of the Nabaganga between Lohagara and Bardia (or Tona) has been showing signs of deterioration. But the position is not so bad as the low water depth is 10 ft.

(iii) Yes.

(iv) Yes.

(b) An enquiry will be made.

Mr. ATUL KRISHNA GHOSE: With reference to (*b*), will the Hon'ble Minister be pleased to state when that enquiry will be made and through whose authority?

The Hon'ble Maharaja SRIS CHANDRA NANDY of Cossimbazar: Nothing has been decided yet.

Bil areas in Bakarganj District.

*226. **Mr. ABDUL WAHAB KHAN:** Will the Hon'ble Minister in charge of the Communications and Works Department be pleased to state—

(*a*) Whether it is a fact that the attention of the Government has been drawn to the last budget discussions in which the urgent necessity of preparing any comprehensive scheme for the improvement of the vast *bil* areas in the district of Bakarganj was pressed?

(*b*) Is the Hon'ble Minister aware that improvement of these *bil* areas will benefit not only the people of this district but those of the bordering districts of Faridpore and Khulna as well and as such it is an inter-district problem?

(*c*) Is it a fact that the Government has already started contour survey in some of the districts of Western Bengal?

(*d*) If the answer to (*c*) is in the affirmative, which are those districts?

(*e*) Is the Hon'ble Minister aware that conditions in Eastern Bengal as regards floods and insanitation due to water-logging are so miserable that immediate starting of contour survey and preparation of comprehensive improvement schemes are necessary?

(*f*) If the answer to (*e*) is in the affirmative, what immediate action do the Government propose to take in the matter?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: (*a*) Yes.

(*b*) It is not understood how the reclamation of *bils* in the Bakarganj district will benefit the people of the other bordering districts, viz., Khulna and Faridpore.

(*c*) Yes.

(*d*) Bankura, Birbhum, Murshidabad, Nadia and 24-Parganas districts.

(*e*) The condition of Eastern Bengal as regards floods and insanitation is comparatively better than Western Bengal. Extensive contour survey in East Bengal is not contemplated in the immediate future

but local survey and investigation will be made for the preparation of small schemes when necessary and where hydaulic or topographical condition has been adverse.

(*f*) Lists of schemes required to satisfy the Irrigation needs of various districts have been received from the Commissioners and are now under examination by a Special Officer. On receipt of his report action will be taken in order of urgency and as funds permit.

Acquiring of new tract of land by Messrs. Bata Shoe Co.

*227. **Mr. JASIMUDDIN AHMED:** (*a*) Is the Hon'ble Minister in charge of the Revenue Department aware—

(*i*) that a vast tract of land in maujas Nangi, Bangala and Jagtolla under Budge Budge and Mahestalla police-station, 24-Parganas, are being acquired by Messrs. Bata Shoe Co., Ltd., for extension of their workshop;

(*ii*) that a large number of the people are to be rendered homeless by this process of land acquisition; and

(*iii*) that the Bata Shoe Co. have already purchased about 500 bighas of land from the Port Commissioners of which only 4th has yet been utilised for their workshop?

(*b*) Will the Hon'ble Minister be pleased to state the specific public purpose for which the land is being acquired?

(*c*) Has any public local body contributed for this acquisition?

(*d*) Why are not the Company allowed to make private purchases as they did before from the Port Commissioners?

(*e*) Will the Hon'ble Minister be pleased to state whether it is a fact—

(*i*) that the former special Land Acquisition Officer held that this acquisition at the instance of Messrs. Bata Shoe Co. was for a private purpose;

(*ii*) that the said officer was transferred in the midst of these land acquisition proceedings; and

(*iii*) that the people were not given sufficient opportunity of representing their grievances before the Land Acquisition Authorities?

(*f*) Is the Hon'ble Minister reconsidering the desirability of stopping land acquisition pending enquiry into the same?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) The area notified for acquisition is 169·65 acres.

(*ii*) 177 structures are proposed to be acquired—

11 in Mouza Nagi,

86 in Mouza Bangala, and

80 in Mouza Jagtala.

(*iii*) The Bata Shoe Company previously purchased 440 bighas of land. The lands previously acquired have been already utilised or have been earmarked for specific purposes.

(*b*) The land has been recommended for acquisition because it is considered that its acquisition is necessary for constructing a work, namely, extensions to the factory of the Bata Shoe Co., and the provision of quarters and of other amenities for employees, and that such work is likely to prove useful to the public. The extension of industry upon sound lines is an undoubtedly public interest. The Bata Shoe Company by reason of the increasingly large number of persons whom they employ are contributing materially to the relief of unemployment and are co-operating with Government in providing good working conditions for their employees. Hence the proposed extension is likely to prove useful to the public.

(*c*) No.

(*d*) Because the purchase of isolated plots would not serve the purpose of the Company, and on account of the large number of persons having interest in the lands it is unlikely the Company could by private purchase secure a clear title within a reasonable time.

(*e*) (*i*) He was of opinion that the proceedings should not go on in their then existing form. The proposals have been modified to meet the points then raised.

(*ii*) He was transferred after completing his report on the proceedings.

(*iii*) No.

(*f*) No.

Rai Bahadur JOGESH CHANDRA SEN: Will the Hon'ble Minister be pleased to state who was the Collector when this land acquisition question was taken up?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I ask for notice.

Processions and demonstrations near Government House.

*228. **Mr. A. M. A. ZAMAN:** (*a*) Will the Hon'ble Minister in charge of the Home (Police) Department be pleased to state whether any police ban exist as regards the processions and demonstrations near the Government House, High Court and the Assembly House?

(b) Is it a fact that demonstrations or the processions were not allowed in the past to proceed beyond the junction of Imperial Bank at the Strand Road and in not more than batches of ten or so?

(c) Whether the area demonstrated by the processionists on Monday the 8th August was a banned one?

(d) If the answer to (c) is in the affirmative, will the Hon'ble Minister be pleased to state whether any action will be taken against those who violated the said ban?

(e) If the answer to (c) is in the negative, will the Hon'ble Minister be pleased to state the reasons for not banning the area as it was done in the past?

The Hon'ble Khwaja Sir NAZIMUDDIN: (a) Yes.

(b) Yes.

(c) Yes.

(d) and (e). Since there was no refusal by the processionists or demonstrators to obey police orders, nor defiance, nor opposition to the police, there can be no question of violation of the ban. In the Anadamans Prisoners demonstration in the year 1937, the view was taken that demonstrators carrying any flag, raised and unfurled, constituted a procession. Flags, both Congress and Communists, were accordingly ordered to be covered and carried furled up. This was done. Subsequently at the meeting at the Town Hall a grievance was made of this on the ground that the National Flag had been insulted and those in the Town Hall refused to leave unless with flags flying. This was forbidden. After Mr. Sarat Bose had arrived at the Town Hall it was agreed by the demonstrators, at his suggestion, that their flags should be left in the Town Hall for the night and taken away privately the next day. This was done.

Thereafter in subsequent demonstrations flags were allowed to be carried into the banned area singly and later, as this was a lengthy and inconvenient process, permission was given to demonstrators to pass into the banned area with their flags unfurled in batches of 10 to 15 or even 20 if they would agree to go along quietly without raising shouts or slogans on their way to the Town Hall.

Since then the same treatment has been enforced for all parties. The cause of the blockade in the roads on the 8th was the infiltration by thousands of people who did not enter the area as processionists, combined with further masses of people who arrived as processionists, but for whom no room remained in the Town Hall. It is not correct that there has been any partiality or intentional departure from accepted principles of practice by the police and certainly no instructions to show partiality in the enforcement of the instructions were ever given or received by any one. As the mass of people who had infiltrated

into the area was neither hostile nor mischievous drastic by the police was either desirable or necessary and their efforts were confined to maintaining, as far as possible, a flow of traffic and some mobility in the crowd.

Mr. NISHITHA NATH KUNDU: Will the Hon'ble Minister kindly state if it is a fact that on the 8th August last the processionists and others who assembled round the Assembly House were all along crying out various slogans which were even audible from this Chamber?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, as it will appear from the reply, on the 8th the number of processionists and others were so large that the Police were practically swamped, and as far as the slogans being heard from this House is concerned, whether they do it from the street or from the steps of the Town Hall, they are always heard whenever there is any meeting or demonstration.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state whether the same facilities will be allowed to peaceful labour processions with red flag and labour slogans?

Mr. SPEAKER: That question does not arise. That is a pure problematic question.

Mr. NIHARENDU DUTTA MAZUMDAR: That does arise, Sir. With reference to answers (*d*) and (*e*), the Hon'ble Minister has stated certain conditions——

Mr. SPEAKER: I have seen it, but what Government will do is purely a problematic question.

Mr. NIHARENDU DUTTA MAZUMDAR: Will the Hon'ble Minister be pleased to state what were the special reasons for which processions were banned on the occasion of the Andamans Demonstration?

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, if the honourable member will only read my reply he will find that the processions are banned in the prohibited area and they are still banned. The question of going in a procession with flags flying and held up was considered by the Commissioner of Police as constituting a procession. But in view of the opposition and representations made both in this House and outside on the question of furling the flag, the Commissioner of Police consulted the Government, and afterwards decided to allow flags to go without being furled or lowered. Since then that has been the practice of all the processions that have taken place, whether they be of the

Congress or of the Labour or Socialists or Communist parties or of the Muslim League. The rules have always been the same, and there has been no differentiation.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state whether the ban was in respect to ara or the nature of the procession?

The Hon'ble Khwaja Sir NAZIMUDDIN: Processions are banned in the area.

Mr. JOGESH CHANDRA GUPTA: Will the Hon'ble Minister be pleased to state if this area was banned, how is it that the pro-Ministry processions were allowed on that particular day?

The Hon'ble Khwaja Sir NAZIMUDDIN: On the 8th, those who came in the procession instead of being allowed to pass in batches of 20, more than 20 passed on that day. I have already said that the demonstration was of such a large number of people that police arrangements broke down for the time being on that day.

Dr. SURESH CHANDRA BANERJEE: মাননীয় মন্ত্রী মহাশয় অনুগ্রহপূর্বক বলিবেন কি এই decision কবে নেওয়া হইয়াছে?

The Hon'ble Khwaja Sir NAZIMUDDIN: Immediately after the Andamans Demonstration Day. Since then, the Commissioner of Police has never insisted on flags being furled or lowered.

Breach of embankment in the Rajshahi Town.

*229. **Mr. SURENDRA MOHAN MOITRA:** Will the Hon'ble Minister in charge of the Communications and Works (Irrigation) Department be pleased to state—

(a) whether he has got urgent appeal from the Chairman of the Rajshahi Municipality requesting for immediate help in protecting the town of Rajshahi from the ravages of flood on account of the breach in the protection embankment;

(b) whether he is aware that further breaches in the embankment are very imminent;

(c) that there are apprehension that further breaches will cause the entire town to be underwater entailing hardship;

(d) whether he is aware that the Government is not helping with money to stop the breaches;

(e) whether he is aware that the capacity of the Municipality is taxed to their utmost for repairing the breaches;

(f) whether he is informed that unless Government comes to the rescue the life and property of the people of the town will be in danger; and

(g) whether the Government intend to order the Irrigation Department to take up their work immediately to save the town?

The Hon'ble Maharaja SRIS CHANDRA NANDY, of Cossimbazar: (a) Yes.

(b) There have been breaches in an embankment near Rajshahi Town. This embankment however is not maintained by Government. There have been no breaches in the Government embankment.

(c) The danger to Rajshahi Town came not from breaches to the embankment, but from the embankment being overtopped the flood this year having reached the highest previously recorded level, i.e., the level of 1879.

(d) The Superintending Engineer was sent to Rajshahi immediately on receipt of information that there was any prospect of danger to the town and instructed to take all steps in consultation with Municipality to avert inundation.

(e) A report has been received from Municipality to this effect.

(f) Government has been informed by wire that all possible steps have been taken.

(g) Does not arise.

Dr. SURESH CHANDRA BANERJEE: On a point of information, Sir. আমি একটী short-notice question দিয়াছি।

Mr. SPEAKER: I have not got any.

Mr. SASANKA SEKHAR SANYAL: Sir, may I draw your attention to the fact that many of the questions are still left unanswered. While questions of a later date have been answered, those of the earlier dates have been left out.

Mr. SPEAKER: I will make an enquiry.

The Hon'ble Khwaja Sir NAZIMUDDIN: That is not a very strange matter. Because questions which can be answered straightaway from the office have been answered immediately, while there are certain questions that require information to be collected from the districts.

NON-OFFICIAL RESOLUTION.

Admissibility of the Resolution under discussion.

Rai HARENDRA NATH CHAUDHURI: On a point of order, Sir, about the resolution regarding representation of the different communities in the services. Last night in connection with a point of order raised by my friend Dr. Nalinaksha Sanyal with reference to section 241 of the Government of India Act, you were pleased to remark that unless it was pointed out to you how the Governor in that section meant the Governor himself and not the Government, you were not prepared to hold that the resolution was out of order. I would invite your attention, Sir, to sub-section (2), clause (b) of section 241. There you will find, Sir, stated "Except as expressly provided by this Act, the conditions of service of persons serving His Majesty in a civil capacity in India shall, subject of the provisions of this section, be such as may be prescribed". Now clause (b) lays down "in the case of persons serving in connection with the affairs of a Province, by rules made by the Governor of the Province or by some person or persons authorised by the Governor to make rules for the purpose."

You will see, Sir, that a clear distinction has been made here between Governor and the person or persons authorised by the Governor to make rules. Hence I submit that Governor here cannot mean the Government. In this connection, Sir, I would invite your attention further to paragraph 291 of the Joint Parliamentary Committee's Report. I will only read out the relevant sentence here: "We have already pointed out" the Report says "that, under that Constitution all the powers of the provincial governments, including the power to recruit public services and regulate the conditions of service, will be derived no longer by devolution from the Government of India, but directly by delegation from the Crown, that is, directly from the same source as that from which the Secretary of State derives his powers of recruitment".

I beg to submit with reference to this observation——

Mr. SPEAKER: I hope you will be very brief.

Rai HARENDRA NATH CHAUDHURI: Yes, Sir. I submit if you read section 241, sub-section (2) in connection with this observation in paragraph 291 of the Joint Parliamentary Committee's Report there cannot be any doubt whatsoever that the Governor in this section cannot mean the Government. I proceed further and invite your attention to paragraph 291 of the same report. Here you will notice another sentence: "he (i.e., the Governor) will, indeed, be generally bound to act in that relation on the advice of his ministers, subject of his special

responsibilities for the rights and legitimate interest of the service, but his ministers will be no less bound to remember that advice on matters affecting organisation of the permanent executive services is a very different thing from the advice on matters of legislative policy, etc."

I, therefore, submit, Sir, that the Governor here in section 241 means the head of the Executive, the Crown-representative, and not the Government of the Province.

Mr. SPEAKER: Without entering into the question of any elaborate and casuistic discussion as to what the meaning of "Governor" is in section 241 of the Government of India Act and what would be its ultimate effect, I find that there is nothing in the Resolution which does not bring it within the competence of this legislature to discuss this matter. I take it that whatever power the Government of India Act has given to the Governor and whatever suggestion this Resolution makes will be nothing more than advising the ministers within the limitations subject to the Government of India Act. In that view of the matter I hold that this Resolution is in order.

Rai HARENDRA NATH CHAUDHURI: Then on a further point of order, Sir.

Mr. SPEAKER: No, no, order please. I cannot allow one point after another. You ought to have raised it along with the first one.

Representation of the Communities in the Services.

Khan Sahib HAMIDUDDIN AHMAD: Mr. Speaker, Sir, the purpose of the Resolution moved by my friend Mia Abdul Hafiz yesterday is only to translate the hope and assurances that were given by the Hon'ble the Chief Minister during the last budget session.

This demand of the Muslims is as old as the advent of the British Rule in this country. Ever since the Muslims were thrown out of their position by an abrupt decision of the Government substituting English for Persian as court language, the Muslims are crying hoarse to get their due share in the administration of the country. The persistent demand by the leaders of the community with a majority of population within the successive legislatures as well as outside, has not yet been able to persuade Government to meet out justice to them. The Government of the past have been systematically so callous and indifferent to a cause of prime importance that even the powerful voice of the Hon'ble the Chief Minister in a different role in pre-autonomy days could not make them realise the gravity of the situation. The then Government in its characteristic way of a complete business like transaction acceded to such demands inch by inch and that also more in paper

as will appear from any correct statistics that may be obtained and scrutinised even now. The intention of the Government adumbrated in various resolutions from time to time has been more honoured in breach than in observance both by the authorities of the different departments in the Secretariat as well as in the mufassil. Had all those orders been given effect to in the spirit in which they were issued much of our grievances would have been a thing of the past by this time. Unfortunately for us, those resolutions were in many cases misinterpreted and twisted by those through whose eyes the departmental heads are apt to see. I make this statement with the full sense of responsibility I owe to this House I can assure that if any statement is taken and examined, it will be seen that the Muslims have not attained even the minimum percentage that was fixed years ago. Sir, I am not prepared to accept the returns that are sent to the Secretariat by the district officers, because I know that various machinations are adopted in the preparation of those returns. If my statement is challenged by anybody, I would welcome an examination of those returns. Sir, arguments are sometimes advanced against communal representation in public services on the plea of efficiency. Superior education qualification is also put forward as a plea, but this was not a case some years ago when in the community having had practically the monopoly of entering the services the number of over qualified persons was not sufficient. Instead of fighting over theories, it is better to take account of facts.

I can say and that with emphasis that the Muslims as a community have never been found wanting in efficiency in running the administration wherever they are placed. Members of this community appointed in executive, judicial, educational and ministerial services have always been found equal if not superior to their colleagues belonging to the other communities. If it is a fact, and I hold it is, I do not see any reason how the Muslims can be debarred on the ground of efficiency. For solution as to the educational qualifications, I submit, Sir, that a minimum qualification should be fixed up for each class of services, and candidates having the standard minimum qualification should also be eligible for the post.

It is an undeniable fact that the percentage of a particular class of community in public services reflects on the political advancement of the people belonging to that class or community.

It cannot also be denied that the Muslim community is a very important political factor both in India as a whole and in Bengal. If that be so, is it not the moral duty of Government to give all facilities including their entrance in public services to such an important community?

Let me make it clear that I do not support this resolution to embarrass the Muslim Premier but I would have done so and surely more

emphatically had we had a Premier belonging to any other community because I do not base my claim on favouritism but on bare justice and fairplay.

My request to friends opposite is that if they want the Muslims to join hands with them in all movements which they call national, they should not grudge them their due share in the administration.

Mussalmans are being given tall hopes by the Congress leaders. The Secretary of the Bengal Provincial Congress Committee recently in a speech assures 80 per cent. of public services to the Muslims. The programme of the United Front Party, as we learnt from the honourable Opposition Leader the other day on the floor of the House, provides for a fair share to the Muslims and the Scheduled Caste people although the percentage is not purposely mentioned. Even Mr. B. C. Chatterjee, the Bengal Hindu Mahashabha leader, proposes 50 per cent. of services to the Muslims.

Assurances of this nature far ahead of those given by the Treasury Benches are being given by the leaders of the other community belonging to political as well as communal organisations. This resolution is an acid test to verify the sincerity of the assurances and statements made by responsible leaders of the other community. This is also a golden opportunity for the Congress to remove the distrust the Muslims entertain about the genuineness of their promises.

I know that these fishes and loaves, which they say in despise are but crumbs that fall from the master's table, are very unimportant matters in national movements. If that be so, my friends of the Congress will not, I hope, mind whoever takes these crumbs and will give an unstinted support to this resolution. They will not, I trust, prick up any plea for not supporting the resolution or staging any extraordinary feat.

In conclusion, I would make an earnest appeal to the House to accept the resolution without any dissent and to the Hon'ble Minister to stand by the assurance given by the Hon'ble the Chief Minister.

(At this stage the House was adjourned for 15 minutes.)

After Adjournment.

Mr. SYED ABDUL MAJID: I beg to move that the following words be added at the end of the Resolution:—

"(1) As well as in all civil posts under the Government whether temporary or permanent, whether made on the basis of part-time or full time duty" and the following proviso be added after the above. "Provided that the Government should submit a half-yearly report to the Assembly regarding the progress of appointments and the recruitment of the various communities to various branches of public services

and civil appointments showing how far the recommendation of the Assembly has been actually carried into effect with explanation for any lag that may exist between the percentage of appointments recommended and the percentage actually held by or allotted to a community."

Sir, the controversy relating to the appointments of the various communities in the public services is one of those problems which have been constantly engaging the attention of the members of the House. In one shape or another this problem came up before the House on various occasions. The percentages of different communities in many departments of Government have been elicited by questions and answers in this House during the last 16 months and we have found that the percentages of Muslims and of the Scheduled Caste people in almost all departments are far below what they might legitimately claim. In the interest of every community and in the interest of peaceful and harmonious relationship and better understanding between the different communities of this province this problem should no longer be kept hanging by saying "the matter is under consideration of Government", but it should be solved immediately to the satisfaction of all concerned so that the various parties and groups in the House may attend to the larger problems of the country which affect all communities alike. Sir, it is my firm conviction that all questions which give rise to communal controversies and to needless heat and passion should be solved immediately. We cannot have genuine politics unless they are solved.

The history of the last 16 months shows an extreme anxiety on the part of the members of this House to solve this problem and the evasive attitude and the political strategy of the Ministers who have kept alive this communal controversy for reasons best known to them. If I remember aright, when we met together in this House to pass the first budget about 100 members of the Coalition Group including ourselves, presented a memorial to the Hon'ble the Chief Minister demanding that at least 75 per cent. of the appointments that would be made in the Co-operative Department should be given to the Muslims inasmuch as such a high percentage was necessary to make up the great deficiency in the Muslim appointments in the department. But when Government made the appointments, the demand of so many members of the House was entirely ignored. Government gave only 45 per cent. of the appointments to the Muslims.

Sir, at the beginning of the last Budget Session, the Hon'ble the Chief Minister issued a circular to the members of his party inviting suggestions from the members including ourselves as we then belonged to the Coalition Party at that time. We formulated a programme both legislative and administrative and one of the demands in that programme was to give 55 per cent. of the appointments to the Mussalmans, and this percentage would be reached in the course of the next 5 years and

that rules should be framed providing for punishment of the appointing authority for the evasion of these rules. The question was again raised by my friend Maulvi Tamizuddin Khan by a cut motion in the course of the last Budget debates and we then urged upon Government to come to a definite policy with regard to the percentage of appointments for the Mussalmans and the Scheduled Castes people without any further loss of time. The Hon'ble the Chief Minister while welcoming that discussion maintained that Government were fully alive to the importance of laying down rules fixing the percentage of appointments that should go to the various communities and said in these words: "But I can assure the House that in the near future after the Budget session is over and when we have all the materials before us we will announce the Government's decision on this question and we shall go further and see that steps are taken in order that circulars that are issued are properly adhered to and proper effect is given to them." He further said: "it is better to have 40 per cent. or 45 per cent. and effect given to it than to have a 60 per cent. reservation without any effect being given to it." It is needless to say that the announcement of Government never came and it seems that "the near future" of the Hon'ble the Chief Minister has not yet expired. The House may judge the attitude of Government with regard to the question by the record of actual appointments made by them since that announcement. In April last, out of 53 appointments of Special Officers in connection with the Debt Settlement Boards, only 45 per cent. of the appointments was given to the Mussalmans.

The Hon'ble the Finance Minister, Mr. N. R. Sarker, who owes his present position to the support of the Muslim members only has signalised his gratitude by giving only 4 out of 33 ministerial appointments to the Mussalmans in the Finance Department, which is his own department.

The Hon'ble the Nawab Bahadur of Dacca, who poses himself to be an uncompromising champion of the Mussalmans, at least of Eastern Bengal, gave only 4 appointments to the Mussalmans out of 18 in the higher grades of the Civil Veterinary Department under him.

These instances are by no means exhaustive. They are stated only to illustrate the policy of the present Government. Sir, I am very glad to see that as many as 26 members of the Coalition Party have sponsored this resolution. Whatever doubt might be entertained as to their *bona fide* intention, I feel that the honourable members will now realise that unless they are prepared to keep up a constant agitation, it is impossible to make the Ministers do what they had promised often and anon, both inside this Legislature and outside it. But my friends should know the futility of this resolution unless they are prepared to implement their policy by something more effective and real. It is for this purpose that I have moved my amendment to the resolution.

The first amendment seeks to stop a loop-hole in this resolution. The first amendment is this: at the end of the resolution these words should be added "as well as in all civil posts under Government, whether temporary or permanent, whether made on the basis of full time or part-time duty".

Now this resolution is limited to the public services such as provincial, subordinate and other cadres. There is a large number of other civil posts which are not organized under any distinct cadres. It is in these appointments that the disparity between the different communities is the greatest. As for example, out of 38 Government Pleaders and Public Prosecutors the number of Muslims is only 8. In the High Court, except one temporary Assistant Government Pleader, none of the Government Pleaders are Mussalmans, and in the Panel of the Assistant Public Prosecutors in the various districts in Bengal, the percentage of Mussalmans is not even 15 and in the big Crown cases in which Government spend lakhs and lakhs of rupees every year for lawyers other than Government Pleaders and Public Prosecutors, we do not find any Mussalman lawyer being engaged to appear for the Crown.

(Here the honourable member reached the time-limit.)

May I have one minute more, Sir?

Mr. SPEAKER: I am sorry, I cannot allow you any more time, as we are quite short of time.

Rai Bahadur KSHIROD CHANDRA ROY: Mr. Speaker, Sir, I beg to move by way of amendment to the Resolution and other identical ones, that in lines 8, 9 and 10 for the words and figures, namely, Muslims—60 per cent., Scheduled Castes—20 per cent., Rest—20 per cent.", the following be substituted:—

		Per cent.
Muslims	... ...	45
Scheduled Caste Hindus	... ...	15
Rest	... ...	40

(including 5 per cent. for minor Communities).

Babu PREMHARI BARMA: I beg to move by way of amendment to the Resolution and other identical ones, that in lines 8, 9 and 10,

and figures, namely, "Muslims—60 per cent. Scheduled Castes—20 per cent. and Rest—20 per cent.," the following be substituted:—

	Per cent.
Muslims ...	... 50
Scheduled Castes ...	... 30
Rest ...	... 20

Mr. Speaker, Sir, I move this amendment with a view to decrease the percentage for Mussalmans from 60 to 50 and to increase the percentage of the Scheduled Castes from 20 to 30, that is, by 10 per cent. as the Scheduled Castes are the most backward in education and progress. If they are to make any progress it is necessary that they should be given all facilities and encouragement for education and a scope for representation in the public services. Khan Sahib Hamiduddin Ahmad has claimed 60 per cent. of appointments for the Mussalmans, because they have not been given a fair share in the administration of the country. But up to now, Sir, the Scheduled Castes have been deprived of any share, so to say, in the administration of the country, and now that they are qualified, I think, Sir, we can easily claim 30 per cent. of the public services for the Scheduled Castes, and I beg to submit that this percentage is not at all very high, but very moderate. Sir, most of the advanced communities of this country are represented in the public services. The Hon'ble the Chief Minister on many occasions had declared at the top of his voice and on the floor of this House that he was most sympathetic to the Scheduled Castes of Bengal. I hope, Sir, his sympathy is sincere and genuine and is not lip-sympathy only, and if it is so, he will very kindly accept my amendment on behalf of Government and thereby show that his Government is doing beneficial work for the Scheduled Castes of Bengal in comparison with other provinces. With these words, Sir, I commend my amendment to the acceptance of this House.

Mr. RAMIZUDDIN AHMED: Mr. Speaker, Sir, I beg to move by way of amendment to the Resolution and other identical ones, that in lines 8, 9 and 10, for the words and figures, viz., "Muslims 60 per cent., Scheduled Castes 20 per cent., and rest 20 per cent." the following be substituted:—

	Per cent.
Muslims ...	... 70
Scheduled Castes ...	... 15
Rest ...	... 15

Sir, in moving this amendment I would like to remind the House of the Pact of Deshbandhu C. R. Das, who in consideration of the paucity of Muslims in public services and in consideration of their backwardness, agreed to give to the Muslims 80 per cent. of appointments until they reached the population ratio in the services. My demand at present is 70 per cent.; and if 70 per cent. is given for some time, I think within 20 or 25 years, it will reach the population ratio. The paucity of Muslim educated candidates is no longer the question now. The number of educated unemployed Muslims is very great now. Therefore I submit that my demand is neither excessive nor unreasonable. At the same time I want to note here that recruitment to all kinds of public service up to the lowest paid clerks ought to be made by means of open competitive examinations, otherwise nepotism and favouritism will be working everywhere irrespective of the question of competence, and the poor educated Muslims will get no service even though 80 per cent. of appointments be reserved for Muslims. It is surprising to me and to the public in general that the present so-called Muslim Ministry, which is exciting the Muslim masses in the name of Islam, has not come forward with any definite proposal during the last 16 months for the solution of the problem and thus trying to shelve it for their own ends. Even to-day I am eagerly expecting a declaration from the Muslim Ministry on this problem.

With these words, Sir, I commend my amendment to the acceptance of the House.

Mr. C. MILLAR: Mr. Speaker, Sir, while there may be some amusement occasioned in this House to-day from time to time, I think it is clear that the House is not meeting on the last day of this session in the spirit of light-hearted satisfaction which usually characterizes the last day of the session; and I do not think, Sir, that the reason is far to seek.

When I was at home recently, I was questioned with eager interest by many friends both in England and in Scotland about the progress of this great experiment in Provincial Autonomy, and I was happy to be able to report to them that, so far, everything had appeared to proceed beyond all expectations. I said there were some difficulties. There were perhaps some confusions between the legislative function and the administrative function. There was a certain tendency on the part of the members of this House for political influence to be brought to bear in matters purely of administration; that pressure was sometimes brought on Ministers in these matters in an undesirable way. But I said that with the passing of time and no doubt party members would realise, and the Ministers also would realise the drawbacks attendant on such activities. For instance on the question of patronage the Ministers would realise that for every friend made, they make a hundred

enemies. Sir, if I had to report to-day, after the close of the fourth session of the Bengal Legislative Assembly, I do not think I could speak in such hopeful terms. The attention of the House has been more and more concentrated, as is shown in matters of supplementary questions and in many other ways, on these questions of appointments. So far as we can see, interference in purely administrative matters is on the increase, and I do not know if we can return to our homes at the close of this session with any satisfaction at the level of debate and the conduct of business in the House——

Mr. SYED JALALUDDIN HASHEMY: On a point of order, Sir. Is the honourable member entitled to challenge the conduct of the proceedings of the House? I want a ruling from you, Sir.

Mr. SPEAKER: I was very carefully hearing the honourable member, and I think the expression he has used so far is not one which a member cannot use.

Mr. C. MILLAR: To turn to the actual motion before the House, Sir, we in this party are in this matter entirely impartial. We sympathise both with the apprehensions of our friends on our right and with the aspirations of our friends on our left. On the last occasion when this matter came up before this House we did not intervene in the debate because the Opposition Party had seen fit to withdraw. But, Sir, on this occasaion we feel that we must intervene and endeavour to draw the attention of the House to an aspect of this matter which is apparently being lost sight of.

The public services are not merely a pawn in communal rivalries. They are the very pre-requisite of our activities and our usefulness as a House. It is for us to define and to lay down policy, and where that policy requires, to implement it by legislation, but it is upon the services that we must rely for carrying out that policy; and if we in any way damage or undermine these services, we shall be depriving ourselves of our only instrument—the only instrument we have for putting into effect all those reforms which members of all parties desire.

If we are to maintain the services in efficiency, certain conditions must be fulfilled. The men in these services must know that good work will be rewarded; that intrigue will not be allowed, that they can carry on their duty to the country irrespective of political pressure or undue influence, that it should be known throughout the services that any political pressure in these matters should react not for the good of the men on whose behalf it is exercised, but against them. It must be impressed again and again upon the House that administration is one thing and politics is an entirely different thing. It is our duty to frame orders and lay down the policies which the men in these services—who

are subordinate to us, and are our own men whom we should back up —should carry out; and it is for us to see that in carrying them out they have every inducement to remain efficient and do what we desire.

It is undeniable that there is to-day in the services in Bengal a growing and not unfounded apprehension as to the prospects and reward for work of these men. If we undermine the morale of the services, if we damage and break down the tradition which over many years has placed at our disposal, this instrument for carrying out the will of the legislature, if we break that down, it will be many years, if ever, before it is built up again.

These, Sir, are matters which now urgently require our attention. The tendency of which this resolution and the amendments are symptoms is one which must be checked. I would ask the mover if he has considered the effect of an action of this nature endeavouring to decide a matter of this magnitude by a short-notice debate on the floor of the House, and ask him whether he would not prefer to withdraw his motion and consider this matter coolly and calmly, not on the floor of the House, but have it considered coolly and calmly by some small and effective committee which would lay down what conventions must be observed if the services on which we all rely to carry out our policy are to be maintained intact. However, wise our policy, however, sound the laws that we in this House may pass, they might as well be writ on sand or traced on the waters of the floods if there are no services to carry them out.

Maulvi Md. MOZAMMEL HUQ: মাননীয় সভাপতি মহোদয়, মিঃ মহম্মদ আব্দুল হাফিজ সাহেব যে resolution এই Assembly তে উপস্থিত করিয়াছেন এ resolution এ হিন্দু মুসলমানের ভিতর একটা যে মনোমালিন্য রহিয়া গিয়াছে, যাহা দূর করার জন্য গভর্ণমেন্ট ইচ্ছুক এবং কংগ্রেসও মুসলমান mass এর ভিতর mass contact movement করিতে চাহিতেছেন তাহার একটা পরীক্ষার সময় আসিয়াছে। আমি উহাদের বলিবো—মুসলমানদের তরফ হইতে এই যে একটা প্রস্তাব এখানে উত্থাপিত হইয়াছে আমি আশা করিয়াছিলাম যে ওপক্ষ থেকে তাহার কোন প্রতিবাদ হইবে না। কিন্তু প্রথম থেকেই ইহা অর্ডারে আছে কিনা এই লইয়া তর্কবিতর্ক আরম্ভ করিতে দেখিয়াই বুঝিয়াছি উহারা একাজ করিতে দিবেন না। কিন্তু আমি বলি—মুসলমানের এই যে দাবি এটা অতি সঙ্গত দাবি। মুসলমানেরা এদেশের বাদশা ছিলো,—শাসক ছিলো। ঘটনাক্রমে ইংরেজ এখানে আসিয়াছে। (laughter) ওরা হাসতে পারে কিন্তু আমি নিশ্চিত ঘটনার কথা বলিতেছি। পূর্বে এখানে ফার্সি আদালতের ভাষা ছিলো। সেটা ইংরেজের এক কলমের খোঁচায় বদলাইয়া যাইয়া ইংরেজী হইয়াছে। ইংরাজ শাসনের প্রথম হইতে মুসলমানেরা ইংরেজের নিকট যায় নাই। এবং এতদিন পর্যন্ত ঘরে বসিয়াছিলো। তার ফলে অপর পক্ষ এই ১৮০ বৎসর চাকরী বাকরি ভোগ করিয়া আসিয়াছে। মুসলমানেরা যখন তার পরে দেখিলো যে তাদের হাত হইতে যে রাজ্য গিয়াছে তার একটা ভাগ তাহাদের নিতে হইবে, তখন হইতে মুসলমানেরা ইংরেজী শিক্ষা লাভ করিয়া বহু যোগ্য হইয়াছে এবং তাদের প্রাপ্য তারা কড়ায় গণ্ডায় বুঝিয়া নিতে চলিয়াছে। ইহাতে উহাদের আপত্তি করিবার কিছু নাই। হিন্দু সমাজের বহু মান্য এবং প্রকৃত নেতা C. R. Das মহাশয় যখন মুসলমানদের (A member from the Congress Group remarked ভূতের মুখে রাম নাম কেন?) কিছু বেশী চাকরি দিতে রাজী ছিলেন তখন হিন্দু সমাজ হইতে কিরকম বিক্ষোভ উঠিয়াছিল

তাহা আপনারা সকলেই জানেন। তখন হইতেই আপনারা জানেন মুসলমানের প্রাণে ব্যথা রহিয়াছে। যেভাবে মুসলমানের ভাগ হিন্দুরা ভোগ করিতেছে সেই ভাগের একটা ন্যায্য অংশ আজ মুসলমান পায় আর উভয়ে একত্র মিলিয়া মিশিয়া কাজ করে—তাহা হইলে দেশটা অগ্রসর হইবে। আজ কংগ্রেস দেশসেবক বলিয়া দাবি করেন, nationalist বলিয়া দাবি করেন, এবং দেশের সেবাকে একচেটিয়া করিয়া লইতে চান, কিন্তু যেখানে মুসলমান কোন কিছু দাবি করিতে যায় সেখানেই প্রতিবাদ করিতে দাঁড়ান, আমার এ কথা সত্য কিনা—এখানেই তাহার পরীক্ষা হইয়া যাক্। আমার বন্ধু হাফিজ সাহেবের যে প্রস্তাব এখানে উত্থাপিত হইয়াছে ঐ প্রস্তাব আপনারা accept করুন দেখি। তাহা হইলেই প্রকৃত পরীক্ষা এখনই হইবে। ময়ূরের পাখা লইয়া কাকের যে ভণ্ডামী তাহা ধরা পড়িবে। আজ আমরা যদি ৭০ পারসেন্ট পাই তবে ১৮০ বৎসর ধরিয়া আমাদের যে ভাগ তাহারা লুটিয়া লইতেছে সেটা সুদে আসলে আদায় করিতে পারিব। সুতরাং দাবি যাহা যাহা আমরা করিয়াছি—সেটা কোন অন্যায় করি নাই। আজকে Congress এর mass contact এর ভীষণ পরীক্ষার সময় উপস্থিত। আজ যদি তাঁরা এই resolution oppose করেন তাহা হইলে মুসলমানের নিকট হইতে ঝাটার বাড়ী খাইয়া চলিয়া আসিতে হইবে। মুসলমান এটা সহ্য করিবে না।

Rai Bahadur JUGESH CHANDRA SEN: Sir, I have given notice of a short-notice amendment.

Mr. SPEAKER: It has reached me just a short while ago, and as far as I am able to see, it is not in order.

Dr. H. C. MUKHERJI: Mr. Speaker, Sir, as a Bengalee, I feel I must oppose this resolution, because the claims of the caste Hindus have been overlooked. When I look round my country I find that the majority of tfhe schools, colleges, dispensaries, roads and hospitals have been erected out of their money and with their efforts. I see before me Sir Bejoy Prasad Singh Roy whose family has been maintaining a free High School, Hospital and Dispensary and the needs of all communities have been met. It is this, Sir, which makes me oppose the resolution. As an Indian Christian, I feel that if this resolution is accepted and given effect to, we shall be nowhere. I shall not take up much time of the House. I feel inclined to call to the memory of my friends on the other side the proverb that it is good to have a giant's strength, but it is not wise to use it like a giant. This resolution if carried will be in the language of Victor Hugo be something worse than a crime, it will be a blunder. If this is discussed on the floor of this House, there will be such feelings of bitterness raised, that we shall never be able to come together. I have been filled with pain to see how within the course of a single year, these feelings of bitterness to which I have just referred, have been increasing, I might say, almost from day to day. I shall just say one word more and I shall sit down. I am not a Congress man, as, Sir, the House will know from the seat I occupy. On the 17th August last there was a welcome given to the Congress Cabinet at the Wheeler Senate Hall, where the

Hon'ble the Premier of Bihar made an official announcement. I shall read just a few lines of it.

"In the matter of making appointments to the Provincial Civil Service (Executive Branch), we have appointed Muslims either by promotion or direct recruitment, the percentage of such appointments ranging from 25 to 50 per cent. in various Departments, which is appreciably higher than would be the case on a mere consideration of the numerical strength of the Muslims in this Province, which is not more than 12 to 13 per cent. of its total population."

"Last year, it may be recalled that out of 41 seats filled by the Government by means of nomination in the Municipalities of the province no less than 12 have been allotted to the members of the Muslim community."

There are other things to which I do not intend to refer for want of time but I ask my friends opposite to have generosity and to imitate the example just quoted. I would appeal to them not because I am an admirer of the Congress, but because I want that my countrymen should be united and should work in such a way that we can all come together as brothers and not as tigers fighting for a piece of flesh.

Mr. SARAT CHANDRA BOSE: Mr. Speaker, Sir, I am afraid I cannot congratulate the honourable member who moved this resolution on the wisdom of bringing it forward before giving the Hon'ble the Chief Minister an opportunity of announcing the decision of Government. I find, Sir, that he has prefaced his resolution with these words—— "With a view to give effect to the assurances given by the Hon'ble the Chief Minister in the course of the debate on the cut motion moved by Maulvi Tamizuddin Khan on the 10th March, 1938——"

I think in this connection it is necessary for me to remind the House of the assurances which were actually given by the Hon'ble the Chief Minister on that accasion. What he said was this: "So far as the question of percentage is concerned, it is a somewhat complicated and difficult problem. The claims that have been put forward come up to 150 per cent. and it is difficult to fix the percentage in such a way as to keep it within proper limits, but I can assure the House that in the near future after the budget session is over and when we have all the materials before us we will announce the Government decision on the question, and we shall go further and see that steps are taken in order that the circulars issued are properly adhered to and proper effect is given to them." The Hon'ble the Chief Minister added: "It is better to have a 40 or 45 per cent. resolution and effect being given to it rather than a 60 per cent. resolution without any effect being given to it. That is why we are trying to discover how

the existing circulars have been working, and as soon as these materials have been collected we shall in the near future announce our decision which, I hope, will be satisfactory to all concerned, although it may not satisfy the utmost limit of ambition of everybody."

I should have thought that after his announcement on the 10th March last, the Hon'ble the Chief Minister and his Cabinet would have availed themselves of the opportunity to consider this complicated question—"complicated," Sir, is the word which he himself used—and to announce to the House the decision of Government in that respect. If that decision had been announced, we would certainly have been in a better position to consider the question in all its bearings. But in spite of what he said on that occasion and in spite of the use of the words "in the near future we are going to announce our decision" that decision has not yet come.

Now, Sir, I propose to place before the House the attitude of the Congress Party. We of the Congress Party do not believe and we do not in the slightest degree subscribe to the view that may be held by some communal organisations that the efficiency of the administration will be impaired by taking our Muslim brethren into the public services in larger numbers (Cries of "Hear", "Hear"). We believe that the number of qualified Muslim young men is on the increase year after year. We know that the Calcutta and the Dacca Universities are turning out brilliant Muslims and brilliant Hindus who would be a credit to any administration in the world. We are certainly prepared to go beyond the limit which the Government has fixed, namely, the limit of 45 per cent. (Cries of "Hear", "Hear".) (Mr. PROMOTHA RANJAN THAKUR: What about the Scheduled Castes?) I was coming to the question of the Scheduled Castes after finishing what I had to say about the Muslims. As the question has been put at this stage, may I say that we of the Congress Party are of the opinion that for the purpose of encouraging our Scheduled Castes brethren it is necessary that the caste Hindus should sacrifice their personal interests to some extent and give an additional percentage to the Scheduled Castes? (Cries of "Hear", "Hear".) (Mr. ABDULLA-AL-MAHMOOD: May I know what percentage?) In answer to the interjection, I shall say that as soon as Government announce their decision, we of the Congres Party who have already prepared a cut and dried scheme will place that scheme before the House without the delay of a single minute. (The Hon'ble Mr. H. S. SUHRAWARDY: How wonderful!)

Now, Sir, six months have elapsed since the Hon'ble the Chief Minister announced that he was going to give a decision in the near future. That decision has not yet come, and I submit that it is hardly open to the Coalition Party, it is hardly open to the Ministerialist Party, to complain if immediately at this moment we

do not give our figure straightaway. (The Hon'ble Mr. H. S. SUHRAWARDY: You have got a programme.) Yes, we have, and many of my frineds on the other side know the programme and know what it is. (The Hon'ble Mr. H. S. SUHRAWARDY: And not the number!) I disclosed our programme when I spoke on the non-confidence motions, and I can assure the House that we are certainly prepared to go much further than what Government have done up to the present moment. I hope my friends will have patience and will also bear this consideration in mind that it is up to Government first to announce their decision before they can call upon other patries in this House to announce theirs.

Now, Sir, coming back to the question of the services I was submitting to this House that we who belong to the Congress Party have never in the past and we do not at the present moment and we shall not in the future subscribe to the view that the efficiency of the administration will be impaired by taking a larger number of Muslims (Cries of "Hear", "Hear"). Speaking for myself, if I may remind the House of what I said when I was speaking on the non-confidence motion. I said, speaking for myself, I would hang down my head in shame if it was suggested that if a large proportion of appointments were given to the Muslims, the administration would be in danger, or that Hinduism would be in danger. I have never subscribed to that view, I do not subscribe to that view, and I shall never subscribe to that view. But I would beg this House to cosnifler that there is a further consideration which comes into the question. That consideration is how the public services are to be recruited. If the public services are recruited by the Public Service Commission of this province by the method of competitive examination, then, as I said on a previous occasion, I am quite prepared, and my party is quite prepared, to subscribe to the view that competitive examination should be restricted amongst the different communities. That now stands if we are given an assurance that the services will be recruited by a system of competitive examination. We shall then be prepared to go even further than I am prepared at the present moment, because that would be a guarantee that amongst the Muslims and the Scheduled Castes or Hindus, the best men amongst the communities will be recruited. (Cries of "Hear", "Hear"). I, therefore, say that I agree with the suggestion which fell from my honourable friend Mr. Curtis Millar, although I do not quite agree with all that he said.

I hope I am not doing him any injustice if I say that the first part of his speech sounded as somewhat patronising, but I accept the suggestion made by him that a satisfatcory method must be evolved of recruiting men to the public services and that has a very important bearing on the question of percentage. I would, before I resume my seat,—I do not know, Mr. Speaker, whether I will have 10 or 15 minutes this evening.

Mr. SPEAKER: This is an important subject. You have had already 10 minutes and I hope, you will conclude as soon as possible.

Mr. SARAT CHANDRA BOSE: Sir, as I said, the manner and the method of recruitment has an important bearing on the question of percentage and I would, therefore, suggest to the House to consider the question in all its bearings—consider not only the percentage, but at the same time consider how that percentage is to be given effect to. Is it to be given effect to by nominations to be made by individual Ministers here and there, or by nomination to be made by Heads of Departments or is it to be made by the method of competitive examinations to be adopted by the Public Service Commission? In the latter event, as I have said, we shall be prepared to go even much farther than we are prepared to go to-day. To-day I have said and said quite clearly, that we are prepared to go further than the percentage fixed by Government, that is 45 per cent. I would, therefore, before I conclude, make this suggestion to the House in all seriousness. Let a conference of representatives of different parties of this House be called by Government immediately, without any delay to-morrow if need be. Let the matter be considered in all its bearings. The population basis has to be considered. Speaking on behalf of the Congress, we are not going to neglect it; for, after all, an important community which has a particular percentage in the population of the whole province is entitled to rely on that for coming to a decision as to what percentage should be given to them in the public services. Along with that, there is the question of educational equipment, there is the question of previous training for the public services and there is the question of method and manner of recruitment. If Government announce that they will hold a conference in the near future, before this month expires, I shall be prepared to extend to my Muslim brethren my hand of fellowship and that of the Party which I have the honour to represent to solve this problem in a satisfactory manner.

Mr. M. A. H. ISPAHANI: Sir, I beg to move that this House may continue till 8-30 p.m. to-night.

Mr. SPEAKER: I will consider that. I am trying to give an opportunity to all sections of the House to speak.

Maharajkumar UDAY CHAND MAHTAB: Sir, I feel a good deal of apprehension in joining in this debate, because, unlike my friend Mr. Curtis Millar, being a caste Hindu and coming from the hated community of blood suckers, whatever I say might be misconstrued. Much has been said as to what the percentages of the different communities should be and I do not want to go into details as to what percentage is just. I feel that Government should come forward with

a scheme and let us know what percentage they propose to fix for the Muslims, the Hindus, the scheduled castes and the rest, and in settling that percentage Government should see that the integrity and importance of the public services are not hampered in any way.

Sir, after what has been said by various speakers, the honourable the Leader of the Opposition and my friend Mr. Curtis Millar, there is very little else for me to say. But I would like to say that during this session nothing much has been done for the good of the province in this House, except that one party has been flying at the throat of the other and trying to create a feeling of communalism and class hatred.

I hope that the mover of this resolution will follow the advice of Mr. Curtis Millar and withdraw his proposal, because I do not think an important matter like this can be decided amicably on the floor of the House wtihout creating undue heat and unnecessary unpleasantness. With these words, I beg to oppose the motion.

The Hon'ble Mr. NALINI RANJAN SARKER: Sir, the remarks made by the Leader of the Opposition have not given us any light. It is usual that his remarks are full of sound and fury signifying nothing. (MR. SARAT CHANDRA BOSE: What is your decision?) He said it was the considered programme of his party that he would concede examinations being held for public services among the different communities. Sir, if the percentage is not fixed, how is it possible to merely fill the posts by holding examinations among the different communities? I have seen the programme which has been emphasised in this House by the Leader of the Opposition and it is mentioned there that in giving employment they would insist on tests; but the tests would be confined to people belonging to each community. Unless and until some percentage is fixed, how can you conduct examinations for appointment——

Mr. SARAT CHANDRA BOSE: What is the decision of the Government?

The Hon'ble Mr. NALINI RANJAN SARKER: Government decision will be made in due course. Because Government decision has been delayed, some loop-hole has been found by the Leader of the Opposition to evade the issue. The Government's responsibility is Government's responsibility; all that I want to say is that the Leader of the Opposition has not been able to say anything which can throw light on this complicated question. He has said that they will go further than Government can go. I know that he always tries to do that. There is always a race between Government and the Leader of the Opposition as to who can give more; that is his

consistent policy since the discussion of the Bengal Tenancy (Amendment) Bill. Even at the time of the discussion of the no-confidence motion he said—"we do not want anything, you 35 Muslim members of the House, you will be Ministers, you will get the Chief Ministership: you scheduled castes people, you will get the Ministry and we 55 members shall help you with our 55 votes, we shall help you to get into the Ministry", they are always in the habit of saying that.

So far as the policy of Government is concerned, I can say that the question of reservation of percentage of appointment in the public services for the different communities has been engaging the serious consideration of Government and they are collecting materials and they hope to arrive at some definite conclusion, as early as possible, but not later than the next Budget session. Government do not therefore want to express any opinion on the subject at this stage. Government have, however, not been inactive in this matter. Since this Government assumed office they have already given to the Muslims, Scheduled Castes and other backward communities, a larger share of the new appointments made so far, and Government shall continue to give to these communities an enlarged representation in the services until a final policy is settled. They would, however, like to point out in this connection that the whole question of reservation of percentage in appointments is a very complicated and vexed one. Each branch of service will have to be examined separately as also the effect of any particular policy of recruitment on the general efficiency of the service. Further, the Governor has a special responsibility under his Instrument of Instructions in regard to the subject-matter under discussion and Government may not therefore have an entirely free hand in this matter (Cries of 'hear, hear'). It may be also noted that the category "Rest" in the resolution includes many different communities such as Caste Hindus, Backward Hindus, not included in the Scheduled Castes and other minorities such as the Anglo-Indians, the Indian Christians and Buddhists, etc., etc., and the claims of each of these communities will have to be individually examined and carefully analysed. All these relevant considerations will amply demonstrate the enormous complexity of the subject and the urgent need of good-will, reasonableness and co-operation of all concerned for a satisfactory settlement of the issue. Government, therefore, do not propose to participate in the discussion to-day beyond making this general statement. They will, however, closely watch the discussions and make a careful note of the views expressed by the members of the various groups and communities. Government will give due consideration to all these views in arriving at a final decision on the subject.

The Hon'ble Mr. A. K. FAZLUL HUQ: Sir, so many reference has been made to me in the course of the debate that I consider it my duty to say a few words, although the position of Government have, I hope,

been made abundantly clear by the statement which has just been made by my friend the Finance Minister. I confess, Sir, I find it difficult to believe that some at least of the suggestions that have been put forward in the matter of the fixation of the percentage have been put forward in seriousness. There seems to be a spirit of levity about it which is inconsistent with the gravity of the question which we have come forward to solve. Any member can suggest any percentage, but it rest with those who have got to come to a decision to adjust conflicting claims and to hold the scales even between the various contending communities in order that they may claim to be worthy of the trust that has been reposed in them, and in order that the administration of the affairs of the country may be conducted in an atmosphere which will draw forth the willing allegiance of all communities and all sections of the people inhabiting this large province. (Cries of "hear, hear"). It is no use—and I say it deliberately—for the Muslims to appropriate to themselves 60 per cent. or 70 per cent. of the posts if by doing so they alienate the co-operation, the sympathy and the whole-hearted support of the other sister communities in the province. I say, Sir, in all seriousness that this matter of the fixation of a percentage of appointments for the various communities is bristling with difficulties and that is my justification for the delay which has taken place before we could come to a definite decision. My friend Mr. Abdul Majid, who is never so brilliant as when he gets an opportunity of having a fling at the Chief Minister, may think that it is a very easy thing to lay down a percentage and announce it to an admiring world. But I may tell him that if he wants to enforce Muslim claims by means of the votes which we possess in this House, the best thing to do would be for him and his colleagues to come over to the Coalition and form a solid Muslim party of 123 and, by sheer votes, carry everything before them (Cheers from the Coalition Benches). You cannot enforce Muslim claims by breaking away from the main body on some pretext or other and from a distance cast flings at us that we are not strong enough to establish a Muslim Raj in Bengal. If you want that why don't you come over to us? Let us see what 123 Muslim members can do, and, mind you, we, 123, plus 31 Scheduled Castes members will be an absolute majority and I can assure you that we will divide the spoils of Bengal between ourselves (Loud cheers from the Coalition Benches) leaving the caste Hindus to their fate and we need not care for the Europeans because they will not send any applications for appointment!

Mr. SARAT CHANDRA BOSE: Is it seriousness or levity?

The Hon'ble Mr. A. K. FAZLUL HUQ: Well, Sir, I think some kind of it is required at this moment.

Referring to the speech of my friend Mr. Curtis Millar, I may tell him that it is not the intention of the Mussalmans to press for a percentage and demand that that percentage should be kept up at the sacrifice of the requirements of efficiency, or that the Muslims want that they and the Scheduled Castes, who have not had any opportunity of securing appointments in the public service so far, according to the proportion which they think they are entitled to, should be given a fair chance subject always to this fundamental condition that no one who is not qualified under the rules should at all be appointed on any consideration to any appointment in the public service. (Cheers from all sides of the House.) My friend Mr. Mukherji was referring to Bihar and calling upon us to emulate the generous sentiment which the Premier of that province has given expression to. Let me remind Mr. Mukherji that although the Muslims of Bihar may be 13 or 14 per cent., they are head and shoulder above the other communities in matters of education and in the United Provinces and Bihar things are just the reverse of what they are in Bengal. In the United Provinces, for instance, the Muslims constitute only 14 per cent. of the population, but at the time of the inauguration of Provincial Autonomy the Muslims occupied 56 per cent. of the public services of that province. Therefore, although it is very easy for the Premier of that province to lay down a doctrine of that character, I will not be behind hand in saying something which, I hope, can be put by the side of that announcement, showing that we in Bengal are not unmindful of the legitimate claims of our people.

Now, Sir, I will not take up the time of the House much longer, but I will make one or two observations on the speech that has been delivered by my friend Mr. Sarat Chandra Bose, the Leader of the Opposition. Personally, Sir, I heartily endorse his dictum that the only effective and really legitimate method of recruitment to the public service is by means of a competitive examination. That ensures that the best men will be selected and taken; and so long as the competitive examination is confined to the respective communities, having in view the communal percentages that have been fixed, the Muslims cannot have the slightest objection to a competitive examination and competitive examinations of the stiffest and the severest character may be set down for recruitment to the public services. Let the percentages be fixed and let there be competition only within the respective communities. Then, Sir, my friend has also suggested that there should be a sort of a conference. May I tell him that while I was listening to the speeches it struck me that the best way to solve this complicated problem was to have a heart to heart talk round a table with all the leaders of all the groups and there adjust the claims of all the communities so that we may come to a harmonious solution rather than fan the flame of communal bickerings which lead to nowhere but which only embitter the atmosphere prevailing in the House? This is only my personal view. I shall try to place

this view of mine before my colleagues and I hope they will agree that with a view to come to a settlement there should be a sort of a compromise.

As regards the Coalition Party, I know many of them will be going home after the Assembly session is over, but I believe I will be able to get hold of some of them, and as for the rest they will have confidence in us as they have had so long that the interests of their community will not suffer in our hands. I must pay a tribute to the loyalty of the Coalition Party and I take this opportunity of contradicting the statement that have been appearing in a section of the Press that threats have been held out to me and that there are signs of disruption. I may say at once that these statements are unfounded, and that the Coalition Party stands as solid as ever.

Then, Sir, as regards the other groups, I hope I will be able to get the leaders and find out the difficulties, and I think the question is not impossible of solution.

To my friends and to my community, I will make a very earnest appeal. Personally I do not believe that the one thing needful for the Muslims is to get as much of public service by scramble as can possibly be done. Mere appointment to public service does not take any one any far, although Mussalmans and Scheduled Castes should get their proper share in the public services. But that is not all. Something more is needed, and that is a healthy atmosphere and a conviction in the mind of any community that the present Government is such that the minorities can safely place their interests in the hands of the Ministers without any apprehension that their legitimate claims would be ignored. After all, we have come to power not for the sake of plunder. We have to show to the world that when placed in a responsible position we can sink our personal differences and allow the larger interests of the country to rise above mere communal or sectional considerations. I make an earnest appeal to my co-religionists that even if their percentage in public services is not as high as has been suggested, they have got to realise that there are other communities who have also got to be taken into consideration. Let us rise to the height of the occasion and show to the world that although we are in a majority in the province and therefore entitled to a larger share in the public services, we may, if necessary, in the interest of the country as a whole forego some of our legitimate claims for others. (A MEMBER FROM THE COALITION GROUP: But our legitimate claim must be satisfied.) Yes, I know that we are the aggrieved party and that we can insist upon the pound of flesh. But it will be generous not to do so when we have got power. I am only appealing to my friends and I hope that my appeal will be taken in the spirit in which it has been tendered. I am also a good fighter and I can fight to the last, but fight is not always good simply for the sake

of fight. Sometimes it pays better to be a little bit generous to those whose interest may come into conflict with ours.

Now, Sir, it has been said that we have not fixed the percentage. We have fixed a percentage for recruitment to the judicial services, and as for the general services and others for which technical qualifications are not necessary, I have been collecting information from all the districts as to how Muslims have fared in the matter of appointments to the various posts in public services. The statistics that we have collected so far shows that on many occasions Muslims have not had a fair deal. And that is why there is an apprehension in the minds of the members of my community that unless some percentage is definitely fixed near about what they can legitimately claim, if not on the population ratio, they may apprehend that their interests will not receive adequate and due consideration. Therefore, Sir, if a conference is held and a decision is arrived at, it will be satisfactory from all points of view. But if that is not done—now that we have heard the Leaders of all the parties—now that we know what the general consensus of opinion of the House is, it will not take very long to announce our decision. It is no use hurling a fling on us and trying to enjoy this debate at our expense and saying that we have not been able to announce a decision. It is not a very easy question, and we have not treated the question in a sprit of levity. We have been trying to reconcile conflicting claims and that is always a very difficult question to solve. Those who are acquainted with the actual affairs know that in other spheres—I do not mean to have any fling at anybody or to disturb the calm atmosphere of the House—conflicting claims have got to be adjusted and decisions arrived at. It is a very difficult question to solve and Government are not in a better position than the authorities in other bodies, as for example, in the Corporation of Calcutta, and therefore it is not surprising that we have not been able to come to a decision already.

We know, Sir, exactly what is working in the minds of the members of the various communities and we hope that by a conference or otherwise we will be able to come to a decision and let the country know what that decision is. Let us hope that in this matter we will be helped with the co-operation and assistance of all the groups so that the difficulties that lie in our way would be smoothed rather than increased, and we hope that by combined effort we will be able to come to a decision which will be satisfactory to all concerned and that we will be able to set at rest once and for all this very vexed question of representation of the various communities in the public services.

Now Sir, my friend Mr. Majid referred to appointments made in certain departments and said that they were not satisfactory. I admit that the percentage of new appointments is nowhere near about the percentage that has been suggested in this House ought to be fixed for the recruitment of Muslims, but the ratio has been far greater than

the ratio of appointments in other previous years, and in some places and in some departments we have proceeded so fast indeed as to raise some sort of apprehension in the minds of those belonging to other communities that we are really sacrificing other interests in order to promote our own.

Now Sir, I think I have said enough to make it clear to the House in the first place that there has been no wilful neglect on our part if we have not been able to announce our decision. Secondly, if there is to be a voting, Government are not going to take any part. We are going to see how opinion expresses itself in this House on this very difficult question, and having ascertained these views and having before us the expression of views of the various sections, we will try to come to a decision either by a sort of a conference or by any other method, and I can assure the House that this question will not remain unsolved for very long.

Sir, with these words I appeal to all sections of the House to realize the gravity of the issues involved and by an appeal to all to be generous to one another and to appreciate the points of view of those who are holding different views from our own. Let us hope that we will be able to come to a decision and that we will not have these communal bickerings in this House in the future or for the matter of that on any occasion in the course of our debates in this House. We hope we will be able to come to a satisfactory decision not merely for the sake of the communities, but for the sake of the administration of this country. I hope, Sir, so far as this question is concerned, we will have no more quarrel but co-operation from all sections of this House.

Mr. PULIN BEHARY MULLICK: Sir, may I bring to your notice that two fallacious arguments have been advanced——

Mr. SPEAKER: Order, order. I know there are quite a good number of them. I am very sorry there are only two minutes left, and I do not anticipate that it will be passed without a division.

The question before the House is the amendment moved by Mr. Ramizuddin Ahmed, whose amendment, I may explain, is to the effect that the Muslims should get 70 per cent., Scheduled Castes 15 per cent. and the rest 15 per cent.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. May I submit that if the original mover is requested to examine his motion in the light of the Hon'ble the Chief Minister's suggestion, and if he withdraws his motion, this motion will not stand.

Mr. SPEAKER: He is not doing that. I am quite prepared to wait for him.

(Pause.)

The question before the House is the motion of Mr. Ramizuddin Ahmed that, by way of amendment to the Resolution and other identical ones, in lines 8, 9 and 10 for the words and figures, namely, Muslims—60 per cent., Scheduled Castes—20 per cent. and rest—20 per cent., the following be substituted:—

	Per cent.
Muslims	70
Scheduled Castes	15
Rest	15

The motion was then put and a division taken with the following result:—

AYES.

Abdul Hafeez, Khan Bahadur Syed.
Abdul Hafiz, Mr. Mirza.
Abdul Hakeem, Mr.
Abdul Jabbar Paiwan, Mr. Md.
Abdul Majid, Maulvi.
Abdul Majid, Mr. Syed.
Abdul Wahed, Maulvi.
Abul Fazl, Mr. Md.
Ahmed Ali Mridha, Maulvi.
Ahmed Khan, Mr. Syed.
Asimuddin Ahmed, Mr.
Azhar Ali, Maulvi.
Emdadul Haque, Kazi.
Fazlur Rahman (Mukhtear), Mr.
Giasuddin Ahmed, Mr.
Hasan Ali Chowdhury, Mr. Syed.
Jalaluddin Hashemy, Mr. Syed.
Jonab Ali Majumdar, Maulvi.
Kazem Ali Mirza, Sahibzada Kawan Jah Syed.
Mafizuddin Ahmed, Dr.
Maniruzzaman Islamabadi, Maulana Md.
Naushar Ali, Mr. Syed.
Ramizuddin Ahmed, Mr.
Sanaullah, Al-Haj Maulana Dr.
Shahedali, Mr.
Shamsuddin Ahmed, Mr. M.
Tamizuddin Khan, Maulvi.
Wallur Rahman, Maulvi.
Yousuf Mirza, Mr.
Yusuf Ali Choudhury, Mr.
Zaman, Mr. A. M. A.

NOES.

Abdul Aziz, Maulana Md.
Abdul Bari, Maulvi.
Abdul Hafiz, Mr. Min.
Abdul Hakim Vikrampuri, Maulvi Md.
Abdul Hamid, Mr. A. M.
Abdul Hamid Shah, Maulvi.
Abdul Jabbar, Maulvi
Abdul Kader, Mr.
Abdul Karim, Mr.
Abdul Latif Biswas, Maulvi.
Abdul Wahab Khan, Mr.
Abdulla-Al Mahmood, Mr.
Abdur Rahman, Khan Bahadur A. F. M.
Abdur Rahman Siddiqi, Mr.
Abdur Rasheid Mahmood, Mr.
Abdur Rashed, Maulvi Md.
Abdur Rauf, Khan Sahib Maulvi S.
Abdur Rauf, Mr. Shah.
Abdur Razzak, Maulvi.
Abdus Shahood, Maulvi Md.
Abidur Reza Chowdhury, Khan Bahadur Maulvi.
Abul Hashim, Maulvi.
Abul Hosain Ahmed, Mr.
Abul Quasem, Maulvi.
Aftab Hosain Jeardar, Maulvi.
Ahmed Ali Enayetpuri, Khan Bahadur Maulana.
Ahmed Hosain, Mr.
Alfazuddin Ahmed, Khan Bahadur Maulvi.
Aminullah, Maulvi.
Amir Ali Mir, Maulvi Md.
Armstrong, Mr. W. L.
Ashrafali, Mr. M.
Asiad Hossain Khan, Maulvi.
Bannerman, Mr. H. C.
Barat Ali, Mr. Md.
Basu, Mr. Jatindra Nath.
Bell-Hart, Miss P. S.
Blomfield, Mr. L. M.

Gangendale, Mr. J. W.
Ghosh, Mr. Anukul Chandra.
Ghosh, Mr. Upendranath.
Farhad Raza Chowdhury, Mr. M.
Farhat Bano Khanam Begum.
Fazlul Huq, the Hon'ble Mr. A. K.
Fazlul Quadir, Khan Bahadur Maulvi.
Fazlur Rahman, Mr.
Golam Sarwar Hussaini, Mr. Shah Syed.
Gomes, Mr. S. A.
Griffiths, Mr. C.
Habibullah, the Hon'ble Nawab Bahadur K., of Dacca.
Hafizuddin Chowdhury, Maulvi.
Hamiduddin Ahmad, Khan Sahib.
Hamilton, Mr. K. A.
Hasanuzzaman, Maulvi Md.
Hasina Murshed, Mrs., M.B.E.
Hatemally Jamadar, Khan Sahib Maulvi.
Hawkins, Mr. R. J.
Hirtzel, Mr. M. A. F.
Idris Ahmed Mia, Maulvi.
Ispahani, Mr. M. A. H.
Jasimuddin Ahmed, Mr.
Kabiruddin Khan, Khan Bahadur Maulvi.
Kennedy, Mr. I. G.
McGregor, Mr. G. G.
Mafizuddin Ahmed, Maulvi.
Mafizuddin Choudhury, Maulvi.
Maguire, Mr. L. T.
Mahtab, Maharajkumar Uday Chand.
Mahtabuddin Ahmed, Khan Bahadur Maulvi.
Mandal, Mr. Birat Chandra.
Mandal, Mr. Jagat Chandra.
Maniruddin Akhand, Maulvi.
Millar, Mr. C.
Mohammed Ali, Khan Bahadur.
Morgan, Mr. G., C.I.E.
Moslem Ali Mollah, Maulvi.
Mozammel Huq, Maulvi Md.
Muhammad Afzal, Khan Sahib Maulvi Syed.
Muhammad Ibrahim, Maulvi.
Muhammad Ishaque, Maulvi
Muhammad Israil, Maulvi.
Muhammad Siddique, Dr. Syed.
Muhammad Sulaiman, Khan Sahib Maulvi.
Mullick, the Hon'ble Mr. Mukunda Behary.
Mullick, Mr. Purna Behary.
Musharraff Hossain, the Hon'ble Nawab, Khan Bahadur.
Mustagawsul Haque, Mr. Syed.
Nandy, the Hon'ble Maharaja Srischandra, of Cossimbazar.
Nasarullah, Nawabzada K.
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E.
Nooruddin, Mr. K.
Patton, Mr. W. C.
Rahman, Khan Bahadur A. M. L.
Raikut, the Hon'ble Mr. Prasanna Deb.
Rajibuddin Tarafdar, Maulvi.
Ray Chaudhury, Mr. Birendra Kishore.
Razaur Rahman Khan, Mr.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Rai Bahadur Kshirod Chandra.
Sadaruddin Ahmed, Mr.
Safiruddin Ahmed, Haji.
Salim, Mr. S. A.
Sarkar, Babu Madhusudan.
Sarker, the Hon'ble Mr. Nalini Ranjan.
Serajul Islam, Mr.
Shahabuddin Mr. Khwaja, C.B.E.
Shamsuddin Ahmed Khondkar, Mr.
Sircar, Babu Litta Munda.
Steven, Mr. J. W. R.
Suhrawardy, the Hon'ble Mr. H. S.
Tofel Ahmed Choudhury, Maulvi Haji.
Walker, Mr. W. A. M.
Warren, Mr. P. F. S.
Whitehead, Mr. R. B.
Wordsworth, Mr. W. C.

Ayes being 31 and Noes 115 the motion was lost.

The amendment of Mr. Premhari Barma that to the Resolution and other identical ones, in lines, 8, 9 and 10 and figures, namely, Muslims —60 per cent., Scheduled Castes—20 per cent. and rest—20 per cent., the following be substituted:—

	Per cent.
Muslims	50
Scheduled Castes	30
Rest	20

was then put and a division asked for.

Mr. SPEAKER: In order to save the time of the House I have decided that before the honourable members may be requested to go

to their respective lobbies I would count the members who rise in their seats. Those gentlemen who are in favour of Mr. Barma's motion will kindly rise in their seats.

(Some members rose in their seats and a count was taken.)

Mr. SPEAKER: I would now request the honourable members who are against the motion to rise in their seats

(Some members rose in their seats and a count was taken.)

Mr. SPEAKER: I declare that the Noes have it.

Point of order regarding divisions.

Dr. NALINAKSHA SANYAL: On a point of order, Sir. On the last occasion when you adopted this procedure of voting, we appealed to you that in view of the fact that names were not recorded if such divisions were taken, you assured us at the time that you would see that names were recorded whenever such procedure was adopted. I submit that you will kindly take that measure and arrange to take the names of members who got up in favour of the motion and those who got up against it.

Mr. SPEAKER: For the time being, Dr. Sanyal is under a misapprehension. The method of taking votes by division is regulated by the power conferred by Standing Order 24 (*3*), read with section 38(*3*) of the Bengal Assembly Standing Orders which says: "And if immediately after the opinion is declared, a division is claimed, the Speaker will direct the Ayes to go into the right lobby and Noes into the left lobby: Provided that the Speaker may in his discretion instead of taking votes provided for in Order 3(*b*) call on the Ayes or the Noes to rise in their seats and may thereafter on counting the persons who rise in their seats, either declare the determination of the House or direct division to be taken."

Now, if I found that a substantial number of the members on my calling "Ayes" had stood up, I would have directed the division to be taken. But as I found that a substantial number of members in this case did not stand up, I have taken this step.

The question before the House is that by way of amendment of Rai Bahadur Kshirode Chandra Roy that to the resolution and other identical ones, in lines 8, 9 and 10 for the words and figures, namely, Muslims

—60 per cent., Scheduled Castes—20 per cent., rest—20 per cent., the following be substituted:—

	Per cent.
Muslims	45
Scheduled Caste Hindus	15
Rest	40

(including 5 per cent. for minor communities).

The amendment was then put and lost.

Mr. SPEAKER: The question before the House is the amendment of Mr. Syed Abdul Majid, namely, that by way of amendment to the resolution that the following words be added at the end:—

"as well as in all civil posts under Government whether temporary or permanent whether made on the basis of full time or part time duty" and that the following proviso be added after the above:—

"Provided also that the Government should submit a half-yearly report to the Assembly regarding the progress of appointments and the recruitment of the various communities to the various branches of public services and civil appointments showing how far the recommendation of the Assembly has been actually carried into effect with explanation for any lag that may exist between the percentage of appointments recommended and the percentage actually held by or allotted to a community."

The amendment was then put and agreed to.

Mr. SPEAKER: I will now put the main resolution. The question before the House is the resolution of Mr. Mia Md. Abdul Hafiz as amended by Mr. Syed Abdul Majid, namely:—

"With a view to give effect to the assurances given by the Hon'ble Chief Minister in the course of the debate on the cut motion moved by Maulvi Tamizuddin Khan on the 10th March, 1938, regarding the question of fixing a high percentage of appointments of Muslims and Scheduled Castes in public services, this Assembly is of opinion that the following percentages be fixed, namely:—

	Per cent.
Muslims	60
Scheduled Castes	20
Rest	20

for all appointments in various branches of the public services, as well as in all civil posts under Government whether temporary or permanent whether made on the basis of full time or part-time duty:

Provided also that the Government should submit a half-yearly report to the Assembly regarding the progress of appointments and the recruitment of the various communities to the various branches of public services and civil appointments showing how far the recommendation of the Assembly has been actually carried into effect with explanation for any lag that may exist between the percentage of appointments recommended and the percentage actually held by or allotted to a community."

The amendment was then put and agreed to.

All our business is now finished and the Assembly will now be postponed.

Prorogation.

Mr. SPEAKER: Gentlemen, I have it in command from His Excellency the Governor to announce that the Assembly stands prorogued.

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